



आरत का राजपत्र

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सं. 37] नई दिल्ली, सितम्बर 7—सितम्बर 13, 2008, शनिवार/भाद्र 16—भाद्र 22, 1930

No. 37] NEW DELHI, SEPTEMBER 7—SEPTEMBER 13, 2008, SATURDAY/BHADRA 16—BHADRA 22, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सामिक्षिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

कार्यिक, लोक शिक्षायत तथा येंशन मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 4 सितम्बर, 2008

का.आ. 2523.—केन्द्रीय सरकार, एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपथाया (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री कौ. जनार्दन रेड्डी, अधिवक्ता को विचारण न्यायालयों और अपील/पुनरोक्षण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थात मामला सं. आरसी. 4(एस) 2005/मुख्य में अधियोजन अध्यया आधिकारी द्वारा राज्य में विधि द्वारा स्थापित न्यायालयों में, जिन पर पूर्वोक्त धारा के उपबंध लागू होते हैं, इस मामले से उद्भूत किन्हीं अन्य विषयों का संचालन करने के लिए विशेष स्कोर अधियोजक के रूप में नियुक्त करती है।

[सं. 225/63/2007-एतोडी-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 4th September, 2008

S.O. 2523.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government

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(5141)

hereby appoints Shri K. Janardhan Reddy, Advocate as Special Public Prosecutor for conducting prosecution in case No. RC 4/S/2005-Mum. instituted by Delhi Special Police Establishment in trial courts and appellate/revisional courts or any other matters arising out of the case in the courts established by law in the State of Andhra Pradesh to which provisions of the aforesaid Section apply.

[No. 225/63/2007-AVD-II]

CHANDRA PRAKASH, Under Secy.

कार्यालय मुख्य आयकर अध्यक्ता, जयपुर

शुन्दि-पत्र

जयपुर, 3 सितम्बर, 2008

का.आ. 2524.—आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23 सी) के उपखण्ड (vi) के तहत अधिसूचना सं. 09/2007-08 दिनांक 30-11-07 के द्वारा "सामिक जीवनशाला दृष्ट, जयपुर" को स्वीकृति दी गई थी। अधिसूचना के पैरा 1 को लाइन 4 में निर्धारण वर्ष 2006-07 से 2008-09 के स्थान पर "निर्धारण वर्ष 2006-07 एवं आगे के लिए" पढ़ा जाये।

[क्रमांक मुआआ/अआआ/मु/वर्ष 10(23सी)(vi)2008-09/2009]

वी. एस. दिल्ली, मुख्य आयकर अध्यक्ता

पठित नियांत (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस.जी.एस. इंडिया प्राइवेट लिमिटेड, सत्यभामा (जोशी बिलिंग) तीसरा तल, रुआ प्रार्टीससको लुईस गोम्स, पी.ओ. बोक्स 103, वास्को-डा-गामा, गोआ को, इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए वाणिज्य मंत्रालय, भारत सरकार की अधिसूचना सं. का.आ. 3975 और का.आ. 3978 तारीख 20 दिसम्बर 1965 से उपावद अनुसूची में व्याविनिर्दिष्ट खनिज और अयस्क (समूह-1) अर्थात् लौह अयस्क मैग्नीज अयस्क और बोक्साइट और (समूह-11) अर्थात् मैग्नीज डॉयलसाइड का निम्नलिखित शतों के अधीन रहते हुए गोआ में उक्त खनिजों और अयस्कों के नियांत से पूर्व निरीक्षण करने के लिए एक अधिकारण के रूप में मान्यता देती है, अर्थात् :-

(i) मैसर्स एस.जी.एस. इंडिया प्राइवेट लिमिटेड, गोआ, खनिज और अयस्क (समूह-1) का नियांत (निरीक्षण) नियम, 1965 खनिज और अयस्क (समूह-11) का नियांत (निरीक्षण) नियम, 1965 के नियम 4 के अधीन नियोक्षण का प्रमाण पत्र देने में उनके द्वारा अपनाई गई पद्धति की जांच करने के लिए, इस निमित्त नियांत निरीक्षण परिषद द्वारा नामनिर्देशित अधिकारियों को पर्याप्त सुविधाएं देगी;

(ii) मैसर्स एस.जी.एस. इंडिया प्राइवेट लिमिटेड, गोआ, इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में निदेशक (निरीक्षण और क्वालिटी नियंत्रण), एस. निरेशों से, जो नियांत निरीक्षण परिषद द्वारा समय-समय पर लिखित में दिए जाएं आवद्ध होंगा।

[फा सं. 5/6/2008 ईआई एण्ड ईपी]

किरण पुरी, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 25th August, 2008

S.O. 2536.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules 1964, the Central Government hereby recognises M/s. S.G.S. India Private Limited, Satyabhama (Joshi Building), 3rd Floor, Rua Francisco Luis Gomes, P.O. Box 101, Vaso-de-Gama, Goa as an agency for a period of three years with effect from the date of publication of this notification, for inspection of Minerals and ores (Group-I), namely, Iron Ore, Manganese Ore and Bauxite and (Group-II), namely, Manganese Dioxide, as specified in the Schedule annexed to the notifications of the Government of India in the Ministry of Commerce vide numbers S.O. 3975 dated the 20th December, 1965 and S.O. 3978 dated the 20th December, 1965, prior to the export of the said Minerals and Ores at Goa, subject to the following conditions, namely:

(i) that M/s. S.G.S. India Private Limited, Goa shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting

the certificate of inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965 and the Export of Minerals and Ores, Group-II (Inspection) Rules, 1965, and

(ii) that M/s. S.G.S. India Private Limited, Goa in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F, No. 5/6/2008-EL & EP]
KIRAN PURI, Director

नई दिल्ली, 25 अगस्त, 2008

का.आ. 2537. —केन्द्रीय सरकार, नियांत (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित नियांत (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस.जी.एस. इंडिया प्राइवेट लिमिटेड, 1/509 ए, ओल्ड महाबलीपुरम रोड, गवर्नर्मेंट स्कूल के सामने, तुराइपक्कम, चैन्नई को, इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय, की अधिसूचना सं. का.आ. 3975 और का.आ. 3978 तारीख 20 दिसम्बर 1965 से उपावद अनुसूची में व्याविनिर्दिष्ट खनिज और अयस्क (समूह-1) अर्थात् लौह अयस्क और (समूह-11) अर्थात् चैरोइट्स रेड आक्साइट और फेल्डस्पार का निम्नलिखित शतों के अधीन रहते हुए चैन्नई में उक्त खनिजों और अयस्कों के नियांत से पूर्व निरीक्षण करने के लिए एक अधिकारण के रूप में मान्यता देती है, अर्थात् :-

(i) मैसर्स एस.जी.एस. इंडिया प्राइवेट लिमिटेड, चैन्नई खनिज और अयस्क (समूह-1) का नियांत (निरीक्षण) नियम, 1965 खनिज और अयस्क (समूह-11) का नियांत (निरीक्षण) नियम, 1965 के नियम 4 के अधीन नियोक्षण का प्रमाण पत्र देने में उनके द्वारा अपनाई गई पद्धति की जांच करने के लिए, इस निमित्त नियांत निरीक्षण परिषद द्वारा समय-समय पर लिखित में दिए जाएं आवद्ध होंगी;

(ii) मैसर्स एस.जी.एस. इंडिया प्राइवेट लिमिटेड, चैन्नई, इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में निदेशक (निरीक्षण और क्वालिटी नियंत्रण), एस. निरेशों से, जो नियांत निरीक्षण परिषद द्वारा समय-समय पर लिखित में दिए जाएं आवद्ध होंगे।

[फा सं. 5/7/2008-ईआई एण्ड ईपी]
किरण पुरी, निदेशक

New Delhi, the 25th August, 2008

S.O. 2537.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules 1964, the Central Government hereby recognises M/s. S.G.S. India Private Limited, 1/509A, Old Mahabalipuram Road, Opposite Government School, Thuraipakkam, Chennai as an agency for a period of three years with effect from the date of publication of this notification, for

inspection of Minerals and ores (Group-II), namely, Iron Ore, and (Group-III), namely, Barytes, Red Oxide and Feldspar, as specified in the Schedule annexed to the notifications of the Government of India in the Ministry of Commerce vide numbers S.O. 3975 dated the 20th December, 1965 and S.O. 3978 dated the 20th December, 1965, prior to the export of the said Minerals and Ores at Chennai, subject to the following conditions, namely :-

- (i) that M/s. S.G.S. India Private Limited, Chennai shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores (Inspection) Rules, 1965 and the Export of Minerals and Ores, Group-II (Inspection) Rules, 1965, and
- (ii) that M/s. S.G.S. India Private Limited, Chennai in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 57/2008-I & I/P]
KIRAN PURI, Director

नई दिल्ली, 27 अगस्त, 2008

का.आ. 2538. केंद्रीय सरकार, नियंत्रण (क्रान्तिकारी व्यापार और नियोजन) नियम, 1964 के नियम 13 के उपनियम (2) के अधीन परिवर्त नियंत्रण (क्रान्तिकारी व्यापार और नियोजन) अधिनियम, 1963 (1963 का 22) को ध्वनि 7 को उपभोग (1) द्वारा प्रदत्त अधिकार का प्रयोग करते हुए, मैसर्स एस.के. प्राइवेट लिमिटेड, एमटी.ए.एम-13, कंएसएमआईडीसी, इंडिपेंडेंट इस्टर्न, दादर, मुंबई, होमपोर्ट-583203 को, इस अधिसूचना के प्रकाशन की तारीख से भीन वर्ष की अवधि के लिए भारत सरकार के क्रान्तिकारी मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 से आमंत्र अनुमती में व्यापारितिरिट खनिज और अयस्क (समूह-1) अवास लौह अयस्क और पिंडीज अयस्क का नियंत्रण से पूर्व नियंत्रण अन्त शर्तों के अधीन होमपोर्ट में उक्त खनिजों और अयस्कों जो नियंत्रण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अधोन् :-

- (i) मैसर्स मिशन एस.के. प्राइवेट लिमिटेड, होमपोर्ट, खालीन और अयस्क (समूह-1) का नियंत्रण (नियोजन) नियम, 1965 के नियम 4 के अधीन नियोजन का प्रमाण पत्र देने के लिए उनके द्वारा अपनाई गई प्रदर्शन की जांच करने के लिए, इस नियम नियंत्रण नियोजन परिवहन द्वारा नामनिर्देशित अधिकारियों को पर्याप्त सुविधाएँ देता है;
- (ii) मैसर्स मिशन एस.के. प्राइवेट लिमिटेड, होमपोर्ट, इस अधिसूचना के अधीन अपने कूल्यों के अनुपालन में नियंत्रक (नियोजन एवं खालीनी नियंत्रण), नियंत्रण नियोजन द्वारा समय-मापदण्ड पर लिखित रूप में दिए गए नियमों में अधृत होता।

[फा सं. 5/5/2008-ईआईगाइड ईपी]

New Delhi, 27th August, 2008

S.O. 2538.—In exercise of the powers conferred by sub-section (1) of Section 10 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Mitra S.K. Private Limited, Plot No. M-13, KSSIDC, Industrial Estate, Dam Road, Hosur-583203 as an agency for a period of three years, w.e.f. effect from the date of publication of this notification, for inspection of Minerals and ores (Group-II), Iron Ore, and Manganese Ore as specified in the Schedule annexed to the notifications of the Government of India in the Ministry of Commerce number vide S.O. 3975 dated the 20th December, 1965 prior to the export of the said Minerals and Ores at Hosur, subject to the following conditions, namely :-

- (i) that M/s. Mitra S.K. Private Limited, Hosur shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores (Group-II) (Inspection) Rules, 1965;
- (ii) that M/s. Mitra S.K. Private Limited, Hosur in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 55/2008-I & I/P]
KIRAN PURI, Director

नई दिल्ली, 27 अगस्त, 2008

का.आ. 2539. केंद्रीय सरकार, व्यापार व्यावसायी व्यापार और नियोजन) नियम, 1964 के उपनियम 13 के अधीन व्यापारितिरिट खनिज और अयस्क (समूह-1) अवास लौह अयस्क और पिंडीज अयस्क का नियंत्रण से पूर्व नियंत्रण अन्त शर्तों के अधीन होमपोर्ट में उक्त खनिजों और अयस्कों जो नियंत्रण करने के लिए एक अभिकरण के रूप में मान्यता प्रदान करता है, अधोन् :-

- (i) मैसर्स मिशन एस.के. प्राइवेट लिमिटेड, खालीन और अयस्क (समूह-1) का नियंत्रण (नियोजन) नियम, 1965 के नियम 4 के अधीन नियोजन का प्रमाण पत्र देने के लिए उनके द्वारा अपनाई गई प्रदर्शन की जांच करने के लिए एक अभिकरण के रूप में पालता प्रदान करता है,

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

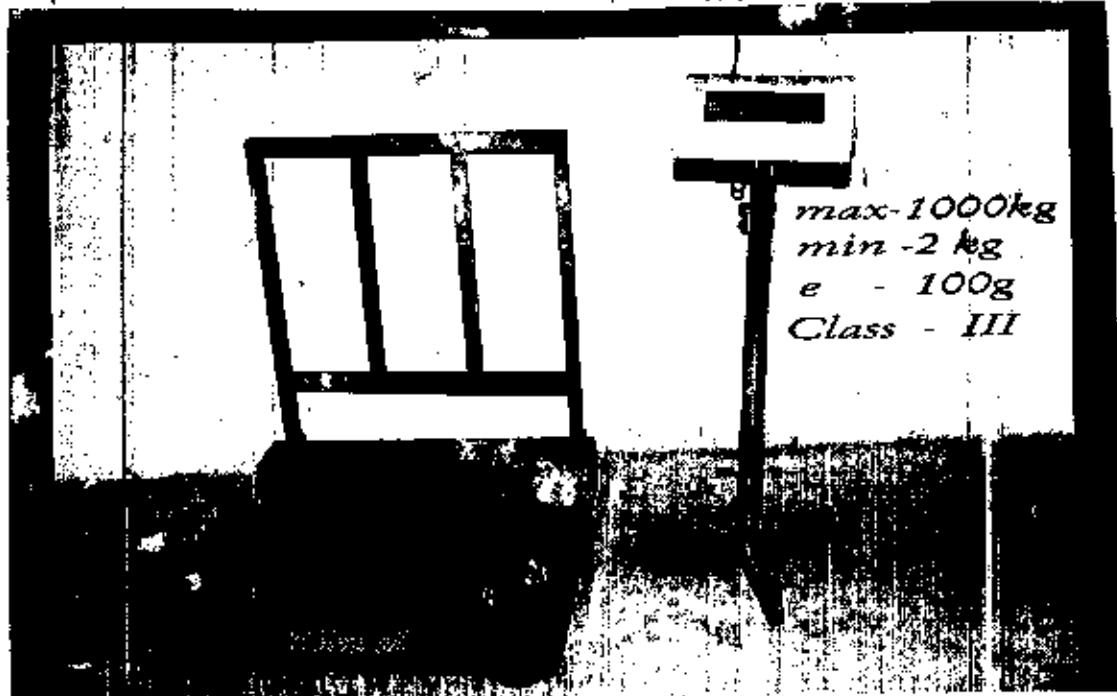
(Department of Consumer Affairs)

New Delhi, the 30th June, 2008

S.O. 2541.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy Class-III) of series "KPS" and with brand name "KINAL" (hereinafter referred to as the said Model), manufactured by M/s. Kinal Scale Manufacturing Works, 9-Devasya Bungalows, Nicol Naroda Road, Opp. Manoher Villa, Nicol, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/129;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1,000kg, and minimum capacity of 2kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LCD) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Holes are being drilled to the bottom and top cover of the indicator of the instrument and a sealing wire is passed through these holes and then lead seal is applied. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg, and up to 5,000kg, with verification scale interval (*n*) in the range of 500 to 10,000 for 'e' value of 5g, or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

G. S. R. No. 2541-21(60)2008

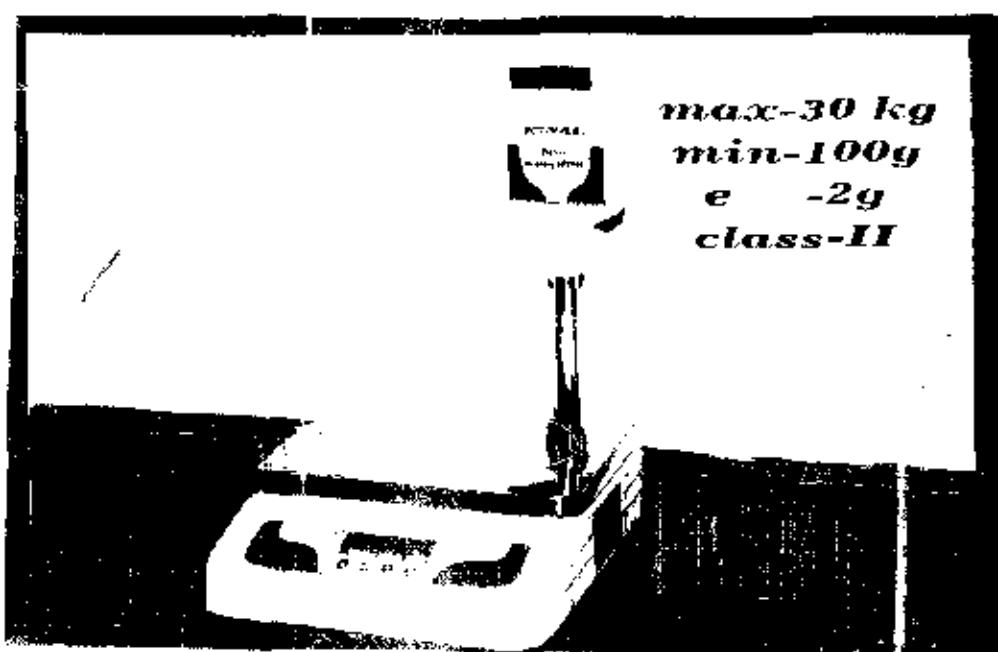
R. M. S. U. C. P. I.

C. M. I. (I) 2008

卷之三 30 页 2008

का भा. 2542, — केंद्रीय विवाह वा. विवाह वा. 2542 द्वारा उमे प्रदूत रिपोर्ट पर विचार करने के बजाय यह भाषाधार हो गया है कि उन्ह रिपोर्ट में वर्णित मौदल (नोये री गई अन्तर्गत संकेत) 2542 वाला यात मालक अधिनियम, 1976 (1976 वा. 60) और यह तक यात मालक (मौदल वा. 2542) नियम, 1979 के उपर्योग के अनुरूप इस वात को संभवता है कि लागत एवं की अवधि में भी उन मौदल व्यवस्थाएँ यात वाला और विभिन्न प्रक्रियाएँ से उन वात का उपयोग करेंगी:

उन्हें भाँडान एक विक्रान्त ज़खार के लिए जाना जाता है। इसके अस्वच्छालन वोल्ट उपकरण हैं। इसकी गोपनीकरण क्षमता 30 कि.ग्र. और व्यूतम 600 वा. है। साथान मापमान अंदरगढ़ी वा. 100 वा. है। इसमें एक आर्थेन्युलन चुम्बिन के ग्रामक इन प्रतिशत व्यवकलनात्मक शर्त उपर्युक्त व्यवस्था है। प्रकाश उत्पादक उपकरण (प्रॉजेक्टर) एवं वोल्ट वार्गिक उपकरण के लिए है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यक्षीय धूग विद्युत पर व्याप्त करता है।



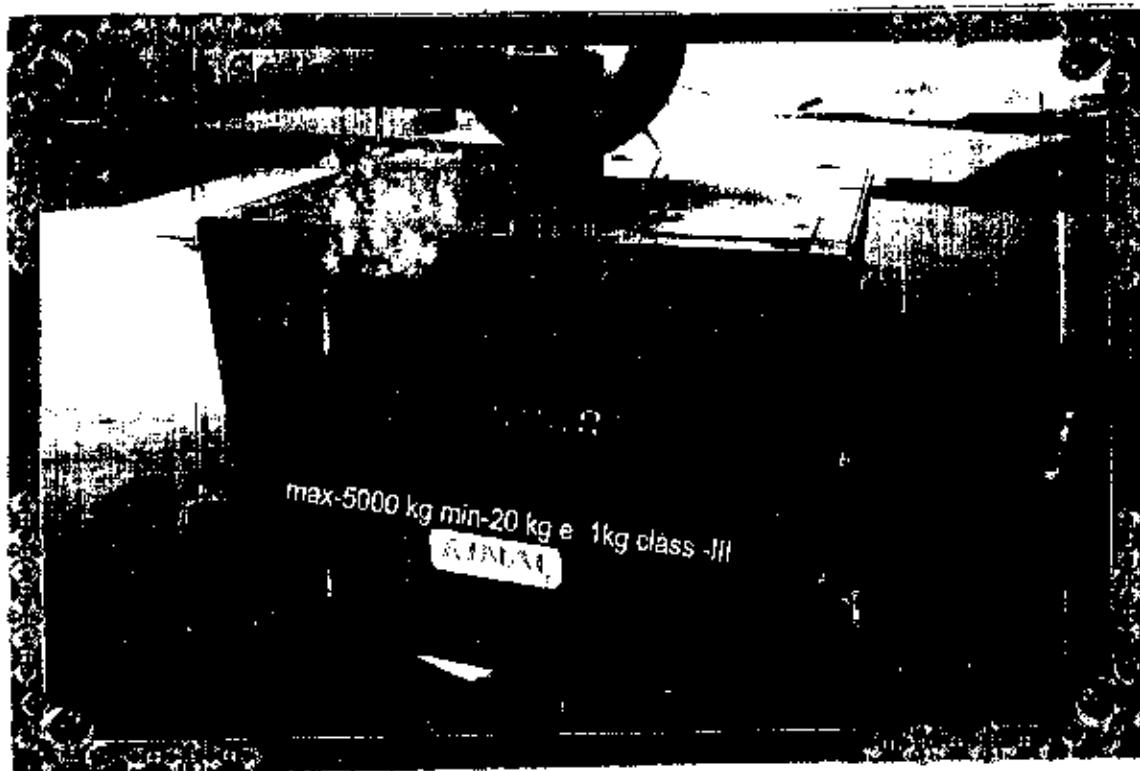
जब यह कर्म का गोचर हो तो इसको कवर करने के लिए दस्तावेज़ बनाये जाते हैं और इन दस्तावेज़ में से सामिल वार्ता का निवाला दिया जाता है और जोहां मैल दियाजाता है वह वार्ता का अस्तित्व दर्शाता है ताकि वार्ता का वायाम उपरोक्त दिया जावा है।

New Delhi, the 30th June, 2008

S.O. 2543.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane type) with digital indication of medium accuracy (Accuracy Class-III) of series "KCS" and with brand name "KINAL" (hereinafter referred to as the said model), manufactured by M/s. Kinal Scale Manufacturing Works, 9-Devasya Bungalows, Nicol Naroda Road, Oppp. Manoher Villa, Nicol, Ahmedabad, Gujarat and which is assigned the approval mark IND/09-08/130;

The said model is a strain gauge type load cell based non-automatic weighing instrument (crane type) with a maximum capacity of 5000 kg. and minimum capacity of 20 kg. The verification scale interval (e) is 1 kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Holes are being drilled to the bottom and top cover of the indicator of the instrument and a sealing wire is passed through these holes and then lead seal is applied. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 30 tonne with verification scale interval (e) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (60)/2008]

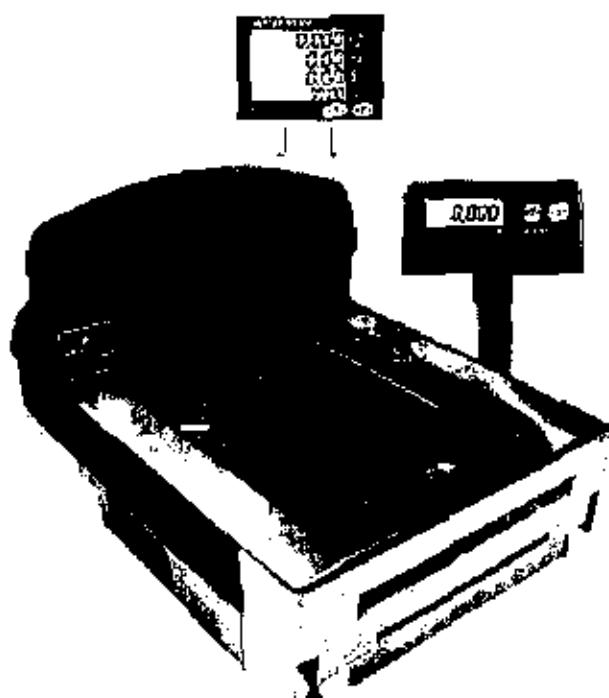
R. MATHURBOOTHAM, Director of Legal Metrology

नं. १२८ लॉ. ४ जुलाई, 2008

का.आ. 2544. केन्द्रीय सरकार का, विहिन प्रार्थना के लोदरनेंह मीनिस्ट्रिट (एन एम बी), नं. १२८८ द्वारा जारी धोडल अनुसंधन प्रमाण-पत्र के साथ उसे प्रमुख रिपोर्ट पर विचार करने के पश्चात् तह ममाधन हो गया है कि उक्त रिपोर्ट में जाना मांडल (नीचे दो गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का ८८) तथा बाट और माप मानक (मांडल के अनुसार) नियम, 1987 के उपर्युक्त के अनुरूप हैं और द्वारा बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मांडल व्यवधान बना जायगा और विभिन्न परिस्थितियों में उपयुक्त भेदवा प्रदत्त करता रहेगा।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की एम ३६ की उप धारा (२) और उप-७८ के द्वारा गर्कायों के प्रयोग करने हए पैसर्स घैटलर दोनों इम., ११५० डिवर्गोर्न डाढ़व, वर्गाजन, आहे अने ४३०८५-६७१२ यू.एस.ए. द्वारा यहां कमाई द्वारा जहां और विनियमन “डोइआइबोए” शुगरल के अंकक मूल्यन महिंद्र अस्ट्रेचाशिल दोलन उपकरण (टेबल टाप प्रकार) के प्रकार वा यांचे इसके प्रसार उक्त मांडल कहा गया है) और भारत में बिना किसी परिवर्तन वा परिवर्धन के पैसर्स इंटेलिकॉन प्रालै. वी. ३०, डोइआइसी डिल्क्सोनिक्स ०८८८, सेक्टर-२५ गांधी नगर ३८२ ०४४, गुजरात द्वारा विषयीत दाता वर्गमें अनुमोदन निह आई एन डी ८०९२०८ १४४ ग्राम-परिवर्तन किया गया है, अनुग्रहन प्रमाण पत्र जारी आया है।

उक्त धोडल धारे सेव आधारित अस्पर्धात्व (लेवल वाप प्रभार) को तोतम उपकरण है। इसमें २ ला. या उससे अधिक के सत्याग्रह मापमान अंतर्गत के लिए एन ३००० सत्याग्रह मापमान अंतर्गत के सम्बन्ध में ६ किं.ग्र. तु. Max. ३० किं.ग्र. का रेज में अधिकतम ज्ञाता बाले हैं। लिकिवट क्रिस्टल डायोड (एल्यू सी डी) प्रदूष नाम्य परिषेम उपकरणित करता है। उपकरण २.५ वोल्ट दो सी या ३ वोल्ट डी सी दो चारों ए सी-डी भी एडाप्टर या हांस्ट कम्प्यूटर पर काच लगा है।



परीक्षा को माल करने के लिए छंद में भे सीर्विंग एल्यू दो धोडिंग धच को व्यापित किया जाएगा। एवं जो एस.ज्याम्या द्वारा दिए गए अल्प में हेंडों के प्रयोग से तार मीन जो लिकाता जाएगा और नव मीन को लगाया जाएगा। मांडल की धोडिंग ज्याम्या का अनुग्रह द्वायाम ऊपर दिया गया है।

प्रम. नं. द्वारा दाता १११०८, २००८।

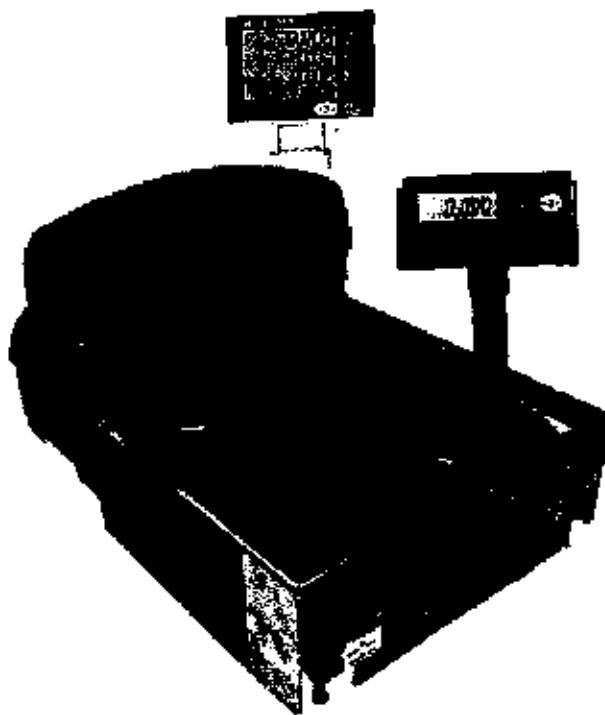
आर. नानाराजन, विवाद, विभिन्न पाप विभाग।

New Delhi, the 4th July, 2008

S.O. 2544.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "DIVA" series of medium accuracy (accuracy Class-III) (hereinafter referred to as the said model), manufactured by M/s. Mettler—Toledo Inc., 1150 Dearborn Drive, Worthington, Ohio 43085-6712, United States of America or manufactured anywhere else by the same company and marketed in India without any alteration before or after sale in India by M/s. Intellicon Pvt. Ltd., B-20, GIDC Electronics Est., Sector-25, Gandhi Nagar-382 044, Gujarat and which is assigned the approval mark IND/09/08/184;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of $6\text{kg} \leq \text{Max} \leq 30\text{kg}$ in respect of verification scale interval $n \leq 3000$ for $e \geq 2\text{g}$. The liquid crystal diode (LCD) display indicates the weighing result. The instrument operates on 7.5V DC or 12 V DC via AC/DC adapter or host computer.



For sealing the machine a custom sealing plate and sealing screw is installed through the hole. The screw is tightened and a wire seal is run through the holes in the plate and screw and then seal is applied. A typical schematic diagram of sealing provision of the model is given above.

[F. No. WM-21 (02)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

का.आ. १५५. — वैदीय सम्बन्ध का विवर है कि इक्षु विवर में वर्णित मादान (नोवे लो) एवं अन्य मानक (मर्दियां ५) अनुसंधान द्वारा लिया गया विवर अधृदय विवरण सम्बन्धीय अनुसंधान के लिये उपयोगी है।

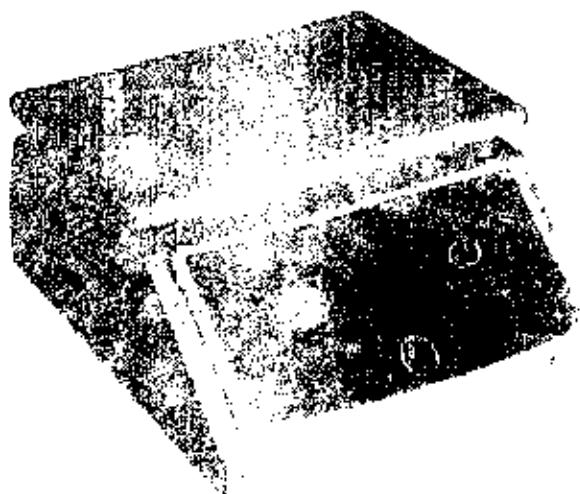
भाषा (१०० वर्षों के द्वारा) का लगभग ऐसा समाज वैज्ञानिक दृष्टिकोण से व्यापक रूप से व्यापक है। यहां तक कि वैज्ञानिक दृष्टिकोण से उच्च व्यापारिता (वार्षिकीय वर्षों ११) भी ऐसे "व्यवस्था" का एक मॉडल बना, जिसके कार्य का नाम "गोपनीयता" है। प्राइवेट लि. अम्बर हिन्दू चार्टर विलयन द्वारा बनाया है और जिसे अन्तर्राष्ट्रीय वित्त अधिकारी द्वारा

300 J. M. T. THOMAS

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प्राप्ति की विवरण वर्णन करता है।



उच्च मर्डल एक विकृत गोज प्रकार वाला गोवा अधिकतम व्याप्ति 15 किलो. है और न्यूनतम 12 किलो. में 15 किलो. तक है। इसमें एक लंबी लंबी उत्तरार्द्ध दाढ़ी है (पहुँच ही दी) प्रदर्श नीलालंब परिवार से बनता है।

वै पड़ कर जोने भीलिंग की नहीं है, जोने लिए बांधा गया है। सांडल भी जीमेंहै और उन

ओर, कंटीय मालवाह, उनमें जैसे ही उनका अनुभव है कि उनका मॉडल के अनुरूपता के इस प्रमाणन के लिए उनका अनुभवद्वारा नांडूल विनियोग विकास के लिए उनका अनुभव, ये 50 अंतर्राष्ट्रीय नक्क वे "ई" प्रकार की अधिक के "ई" माल के लिए 5,000 से 6,000 लाख हैं और "ई" माल 10¹⁰ तक 10¹¹ तक

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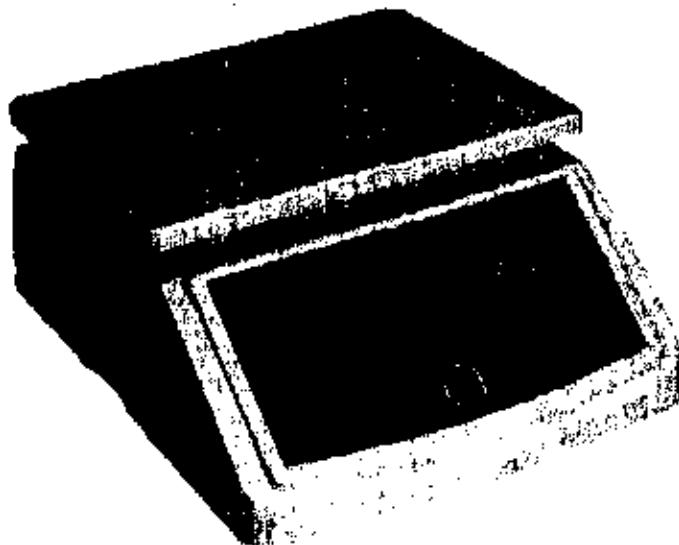
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१०८ गुरुप्रसाद भाष्य का

New Delhi, the 7th July, 2008

S.O. 2545.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type-dual range) with digital indication of "Cub" series of high accuracy (Accuracy class-II) and with brand name "METTLER TOLEDO" (hereinafter referred to as the said model), manufactured by M/s. Mettler-Toledo (Chang Zhou) Measurement Technology Ltd., 111, West Taihu Road, Xinbei District, Changzhou, Jiangsu-213 125, P.R.C. and marketed in India without any alteration before or after sale by M/s. Mettler Toledo India Pvt. Ltd., Amar Hills, Saki Vihar Road, Powai, Mumbai-400 072, Maharashtra and which is assigned the approval mark IND/09/08/159,



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type-dual range) with a maximum capacity of 15kg and minimum capacity of 10g. The verification scale interval (e) is 0.2g up to 7.5kg and 0.5g above 7.5kg and up to 15kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

The sealing is done below the weigh pan, where there are two holes screws, through which a leaded wire is fastened for receiving the verification seal and stamp. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg, with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 59mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (77)/2008]

R. MATHURBOOTHAI, Director of Legal Metrology

१० - २००८

१०. शिल्प एवं विज्ञान
विभाग के लिए
प्राचीन शिल्प
विभाग के लिए

१०. शिल्प एवं विज्ञान विभाग
के लिए विभाग विभाग
के लिए विभाग विभाग

१०. शिल्प एवं विज्ञान विभाग
के लिए विभाग विभाग
के लिए विभाग विभाग
के लिए विभाग विभाग

११ - २००८

११. शिल्प एवं विज्ञान
विभाग के लिए
प्राचीन शिल्प विभाग
के लिए विभाग

११. शिल्प एवं विज्ञान
विभाग के लिए
प्राचीन शिल्प विभाग
के लिए विभाग

११. शिल्प एवं विज्ञान विभाग
के लिए विभाग विभाग
के लिए विभाग विभाग
के लिए विभाग विभाग



१२. विभाग के लिए
प्राचीन शिल्प विभाग



१३. विभाग के लिए
प्राचीन शिल्प विभाग

१३. विभाग के लिए
प्राचीन शिल्प विभाग

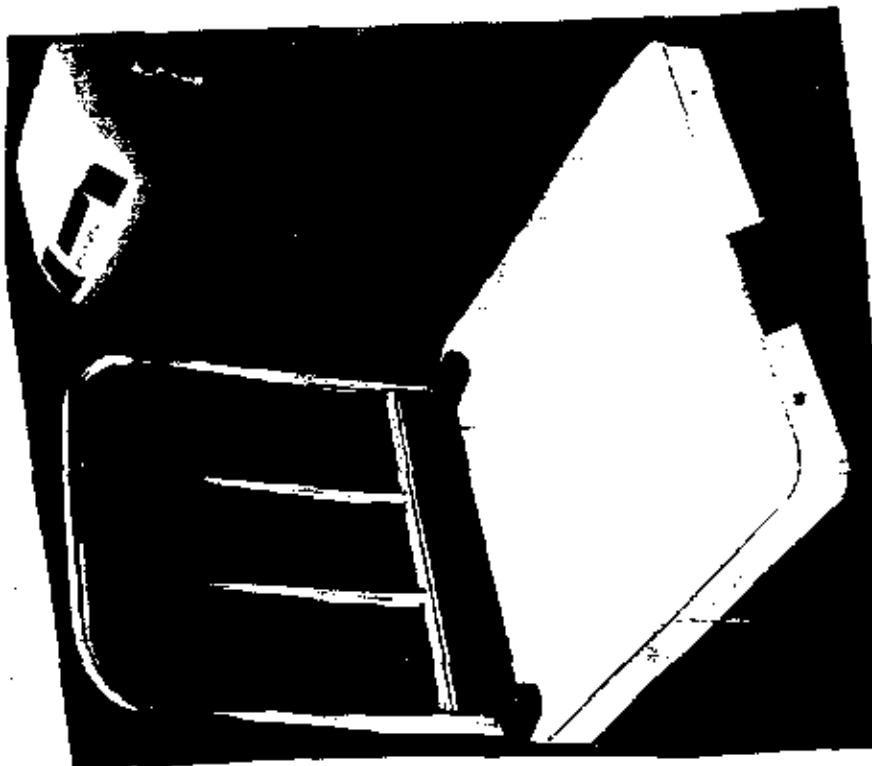
१३. विभाग के लिए
प्राचीन शिल्प विभाग

New Delhi, the 7th July, 2008

S.O. 2546.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-II) of series "GTC-P I" and with brand name "EASY" (hereinafter referred to as the said model), manufactured by M/s. Global Trading Corporation, D. No 29-1-5, Shop No. 2, L. N. Complex, Seshadri Sastri Street, Gvnerorpet, Vijayawada-520002, A. P. and which is assigned the approval mark IND/09/08/135;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



On the right side of the indicator 2 holes are made by cutting the diagonally opposite inner plates which are fastened by a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5 mg. or more and with ' e ' value of $1 \times 10^k, 2 \times 10^k$ or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (81) 2008]

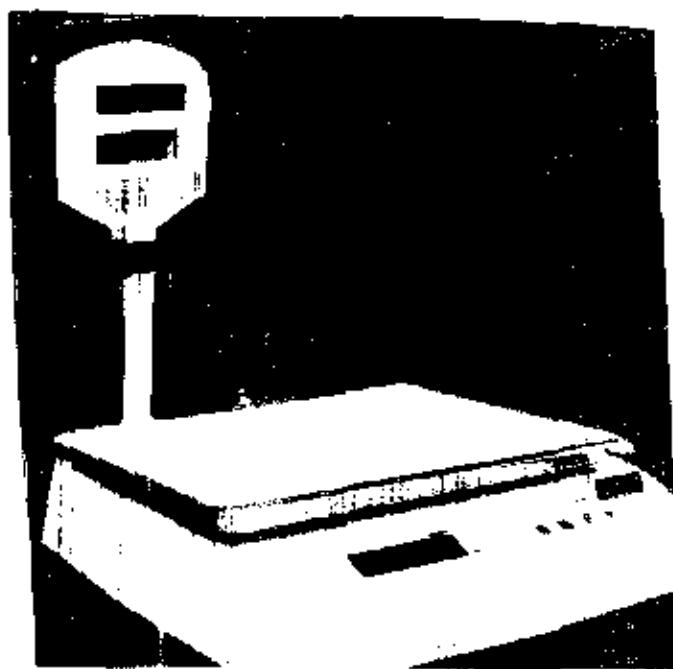
K. MAHESH RYDISHAM, Director of Legal Metrology

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का, आ। 2547.—केंद्रीय स्पेशल एजेंटों द्वारा उस प्रमुख रिपोर्ट पर क्रियाः विधि के परमानु यह समाधान हो पाया है कि उक्त एजेंटों में वार्षिक मॉडल (मीने वी ग्री अक्षुनि इम्फ़ा नार और भाषप भानक अधिनियम, 10/6/1976 का 6)) और वार उत्तर साय भानक (मॉडल्स का अनुभाव) विधा, 1987 के उल्लंघन के अनुकूल है और इस बाल की संवाचना है कि व्यापार प्रक्रिया की अवधि में भी उक्त मॉडल व्यापार व्यापार और विधान अधिनियमों में उल्लंघन विद्या प्रदान करता हैगा।

अब; श्री ज्ञानीय समाज, उनके अधिनियम को १००० वा. दी उद्य थाए (७) और उप भरा १००. ताकि इकायों का प्रयोग करने हुए मैसर्स एन्स कल साइट का अधिनियम, दी ५. २०। ५. श्रीनंदि १००० वा. उप भरा कार्यालयम्, शोधाक्री लास्ट। ग्रन्थालयम्, विजयवाडा-५२०००२ द्वारा विनियमि इनके अधिनियम (विद्यार्थी वार्ता-१) वाले "ज्ञानीय समाज" भूलक्ष्मा के अंकेक सूचन लाएँ। अन्यराजन्ता लोकन उपकरण (उद्योगाधी प्रकार) के प्राप्ति का, विस्तरं कांड वा नाम "द्वारा" है। (८) इसमें इसके पश्चात् उक्त माडल वाला नाम है। और जिसे अनुभेदन चिह्न अर्द्ध एवं दो १०००५-१३ समन्वयात् किया था है, उन्नभाव अप्राप्य एवं बारे करती है।

नवीन माइक्रो एफ्स विक्रीत थे जो उत्तर का एक शहर अन्तर्राष्ट्रीय अन्वयालिंग वैस्तुक उपकरण (एक्स्प्रेस एक्स) है। इसको अधिकतम क्षमता 30 'फूट' के लंबे लूप वाले अन्तर्राष्ट्रीय अन्वयालिंग वैस्तुक (ए) 2 ग्रा. है। इनमें का अधिकतम युक्ति है जिसका शब्द प्राप्तिग्राहक अन्वयालिंग वैस्तुक एक्स अन्वयालिंग वैस्तुक है। यहां पर्यावरण, इंजीनियरिंग (एल ई ही) प्रत्येक वैस्तुक एक्स अन्वयालिंग वैस्तुक है। उपकरण 230 वोल्ट 50 हर्ज की प्रयोगकर्ता द्वारा विद्युत विद्युत दर का 10% है।

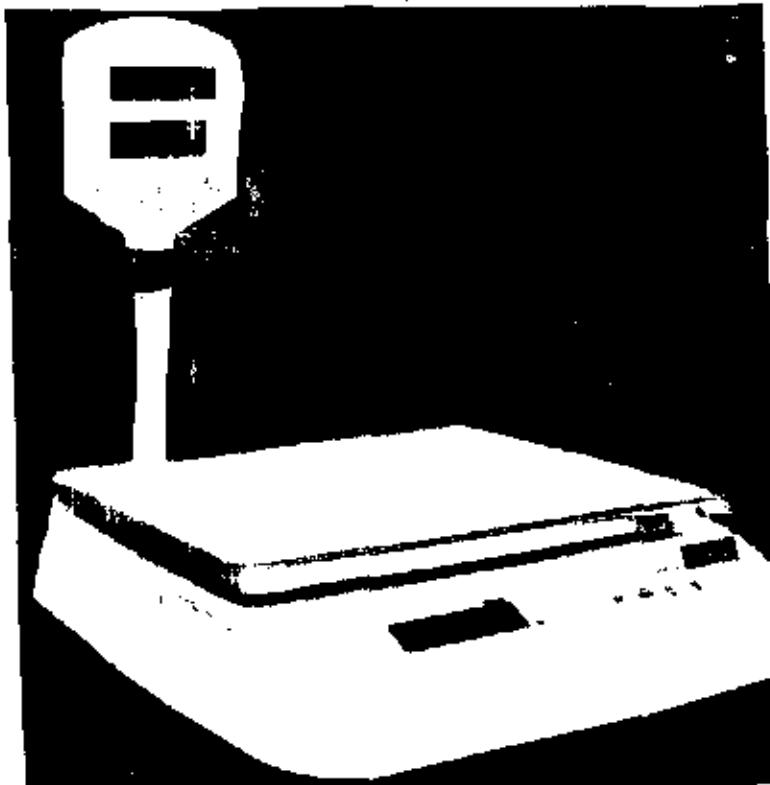


New Delhi, the 7th July, 2008

S.O. 2547.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication high accuracy (Accuracy class-II) of series "GTC-JP" and with brand name "EASY" (hereinafter referred to as the said model), manufactured by M/s. Global Trading Corporation, D. No. 29-1-5, Shop No. 2, L. N. Complex, Seshadri Sastry Street, Governorpet, Vijayawada-520002, A. P. and which is assigned the approval mark JND/09/08/133:

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



On the right side of the balance 2 holes are made by cutting the diagonally opposite inner plates which are fastened by a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

JF. No. WM-21(81)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

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का. 30। 2548.—कलंगीय लाका का विवर है कि उक्त ग्रन्थ म नवीन गांडिल (जीवं दी गई भाषा) वा मनक (मांडली जा ग्रन्थ) नवीन, 1937 के दार्शनिक भागिल लग्नार्थी चन्द्र लाला दीप विवेन द्वारा लिखा गया।

अतः अवृ. वर्णाय समाप्तः १००० अर्थात् १००० रुपयात् १००० हुए गैरकर्तव्यात् व्योवहरण द्वारा हेतु विवरण १००० रुपयात् १००० रुपयात् विविर्मित उत्तर वाधारात् विवरणात् विवरण १००० रुपयात् १००० रुपयात् विवरण (प्रकार) के भीतर अ. विवरण १००० रुपयात् विवरण "उत्तर" एवं एत द्वारा ००९००८०१३० विवरणात् विवरण द्वारा है अन्तर्विवरण १०००

उक्त भौतिक स्थिति या उक्त विकास का अभियान 30 किमी. है और न्यूज़ीलैंड के 100 रु. प्रतिवार्ष व्यवस्थाएँ आधिकारिक रूप से 6.5 रु. 239 रुपये और 50 रुपये व्यवस्थाएँ या विकास का 21.5

१५८८ अप्रृष्ट रिपोर्ट पर लिखा
१५८९ अप्रृष्ट अधिनियम, १९००
१५९० एक वर्ष तक भूमिका है तो
१५९१ अप्रृष्ट रिपोर्ट

१८. शोध (७) और दण-थार
क्षेत्रोंमें गोपनीय आवासी स्थिति
का अध्ययन हो जिसका सूचना सारांश
के रूप में दिया जाएगा।

प्राचीन विद्यालय विद्यालय उपकरण - १००
प्राचीन (१०) ५ रु. है। इसका
प्राचीन विद्यालय विद्यालय उपकरण - १००
प्राचीन (१०) ५ रु. है। इसका

प्राचीन राज्य विद्यालय विद्यालय
प्राचीन विद्यालय विद्यालय
प्राचीन विद्यालय विद्यालय

१०८ अधिकारी का नाम अंगू
१०९ विष्णुलाल २००००२ द्वारा
११० अंगूष्ठ विकास विकास या
१११ अमृता अमृता अमृता अमृ

१०८५ वर्षात् यहां विद्यालय बनाया गया।



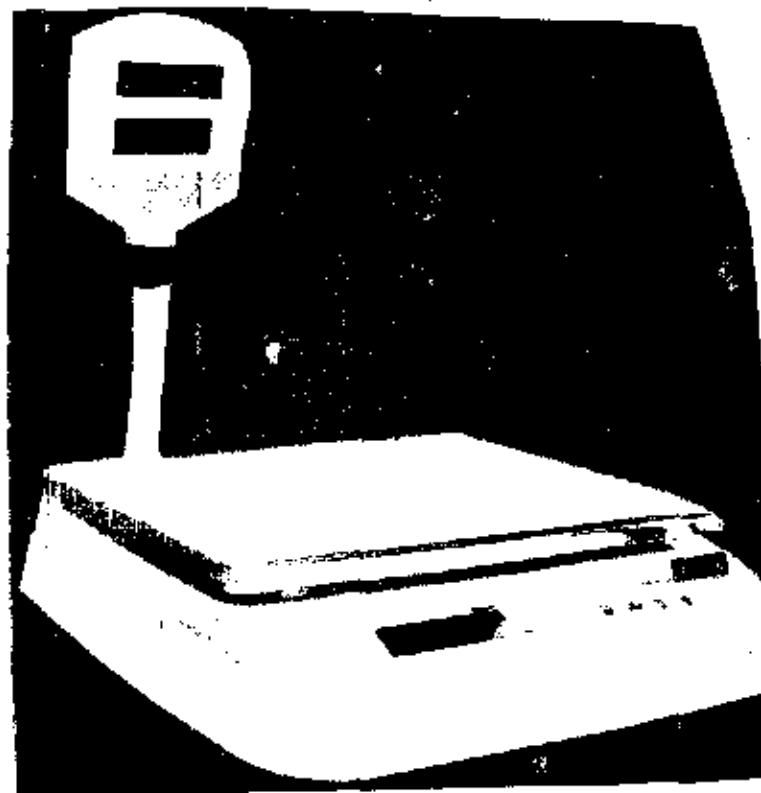
इंडिकेटर के तारे और अंतरिक्ष ग्रन्दी के लिये विभिन्न तरीके हैं जिनके द्वारा विभिन्न तरीके से विभिन्न ग्रन्दी का सत्यापन प्राप्त करने के लिए चाहीए गणित विद्या के अंदर नहीं वह सकता है। इसीलिए विभिन्न तरीकों का एक प्रस्तुतों अंजायड़ हायरेंसी उपरोक्त विभिन्न ग्रन्दी है।

New Delhi, the 7th July, 2008

S.O. 2548.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "GTC-TB" series of medium accuracy (Accuracy class-III) and with brand name "EASY" (hereinafter referred to as the said model), manufactured by M/s. Global Trading Corporation, D. No 29-1-5, Shop No. 2, L. N. Complex, Seshadri Sastry Street, Govemorpet, Vijayawada-520002, A. P. and which is assigned the approval mark IND/09/08/134;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval ('e') is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



On the right side of the balance 2 holes are made by cutting the diagonally opposite inner plates which are fastened by a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval ('n') in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with verification scale interval ('n') in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of $(k \times 10^4)$, (2×10^4) or (5×10^4) , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(81)/2008]

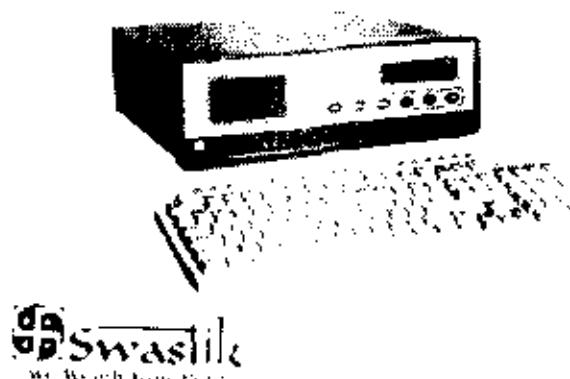
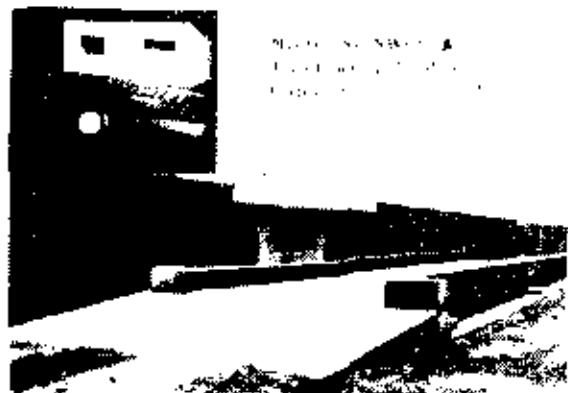
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 25 जुलाई, 2008

का.आ. 2549.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बार और माप मालक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मालक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुहान हैं और इस बात को संभालना है कि नामांक प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त गंवा प्रदान करता रहेगा।

अब, अब, केन्द्रीय सरकार, उक्त अधिनियम को भाग 36 की उप-धारा (7) और उप-धारा (8) के प्रदान शक्तियों का प्रयोग करते हुए भैसर्स सदर्न वेइंग इस्टर्मेट (भी) लि., "आशियाना" भिलाई-३ विला-टुर्ग छत्तीसगढ़ द्वारा विनियित प्रधारा १४४४ (यथार्थता वर्ग-III) बाल "एसडब्ल्यू ००।ए" शुंखला के अंकक सूचन सहित अस्वायाहृत तोलन उपकरण (वेब्रिज प्रकार) के बाल का, जिसके वर्ड का नाम "स्वासिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन नं. (१९८८) ८४ समनुदर्शित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गज प्रकार का भार सेल अभियान अस्वायालित तोलन उपकरण (डेट्रिंग इवल) है। इसकी अधिकतम छायता 60 टन है और न्यूनतम क्षपता ४(५) कि.ग्रा. है। सत्यापन चापपत्र अंतराल (ई) 20 कि.ग्रा. है। इसमें १२ वर्ड अनुमोदन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक भागित आधिकारिक प्रभाव है। प्रकार दर्शक डायोड (एल ई डी) प्रदर्शन तोलन प्रयोग के प्रदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रव्याप्ति धारा विद्युत प्रदाय पर चार्ज करता है।



कैबिनेट के पीछे एक बन्द बटन है जिसमें सीलिंग ई-टी है, को बोल्ड किया गया और स्थिर रखा जा सकता है जो इस वाला पेन और कंचिनट द्वे के पीछे सीलिंग तार ही रहते हैं। टू को कैबिनेट में डालने के बाद पेन को कसा जाता है और सीलिंग तार जो हैं गी से निकाला कर पर्चिंग द्वारा सील किया जाता है। योल को लोड गिरा चेच को नहीं खोला जा सकता। भैसर्स को सीलावंद करना ५ लगातार का एक प्रकृष्टी योजनावाला डायग्राम उपर दिया गया है।

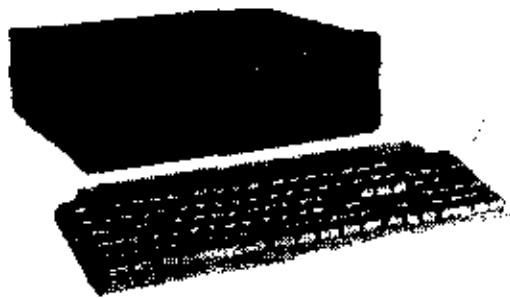
और केन्द्रीय सरकार उक्त अधिनियम की भाग 38 वी ३३ धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए यह धोषण करती है कि उक्त मॉडल के अनुमोदन के इस प्रगतिशील के अंतर्गत उक्त विनियोग द्वारा उसी मिलात, डिजाइन के अनुरूप और उसी साम्पार्थ में, जिससे उक्त अनुमोदित मॉडल विनियोग किया गया है, विनियोग उसी शुंखला के बीमे ही में, यथार्थता और कार्यालय रोलन उपकरण भी होंगे जो ५ ग्रा. या उससे अधिक के "ई" मात्र के लिए ५०० से १०,००० लैक के बीच में सत्यापन मापपत्र अंतर्गत उक्त ५ टन से अधिक और १०० टन तक को अधिकतम असता बनाने हैं और "ई" मात्र (१००*१००*५००) के हैं, जो धनात्मक या नात्मक या शून्य के समतुल्य हैं।

New Delhi, the 25th July, 2008

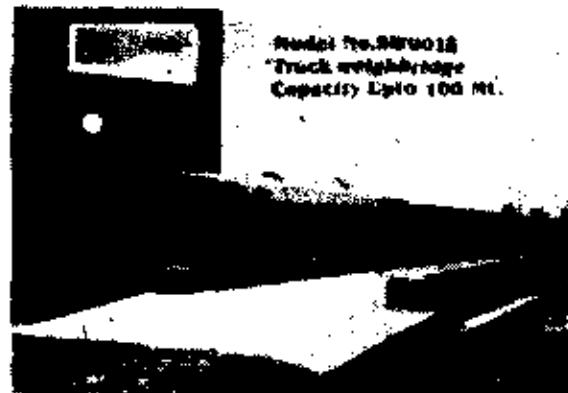
S.O. 2549.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "SW 001A" and with brand name "SWASTIK" (hereinafter referred to as the said model), manufactured by M/s. Southern Weighing Instruments (P) Ltd., 'Ashiana' Bhilai-3, Distt. Durg, Chattisgarh and which is assigned the approval mark IND/09/08/164;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Swastik
We Weigh Your Profit



A fixed locking stud with sealing hole is welded in the back of the cabinet and a screw with hole and sealing wire in the back of the cabinet tray is provided in the centre of the fixed stud. After inserting the tray in the cabinet the screw is tightened and the sealing wire is inserted through the holes and sealed by punching. The screw can not be opened unless the seal is broken. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (30)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली 25 जुलाई, 2008

का, 36, 2550.—कंट्रोल याको/ का, विहित प्राधिकारी द्वारा उस प्रस्तुत रिपोर्ट पर विचार करने के पश्चात वह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित भौंडल (नीचे दी गई आद्यती देखें) काट और माप मानक अधिनियम, 1976 (1976 जा 60) और बाट तथा मरप मानक (भौंडलों का अनुप्रोद्धन) नियम, 1987 के उपर्योग के अनुरूप हैं और इप बात की संमावना है कि सामान्य व्यवस्था में वो उक्त मॉडल यथार्थता बनाए रखेग और विविध विविधतियों में उपयुक्त संवेदन प्राप्त करना रहेगा;

अतः अब कंट्रोल याकार, उक्त अधिनियम की धारा 36 को उप-धारा (१) और उप-धारा (२) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल सी एम कल्नोल्स पा. लि., एलाट नं. 34 और 35, फर्स्ट लिंक स्ट्रीट, बैरल नगर, नैन्कर्ह-८००००१। इस विविधत विधायिता वर्ग X (1) वाले "ए डब्ल्यू.एस एफ एम-एच" शुरूलता के सामाजिक और इंट्रिक फिरिंग उपकरण (वे फिल्म) ए भौंडल का, जिसके ग्रांड का नाम "एल सी एस" है (जिसे इसके पश्चात् उक्त भौंडल द्वारा भी है) और जिसे अनुप्रोद्धन चिह्न आड नं. १०० वा. १०० ०० २६२ अनुरूपित किया गया है, अनुप्रोद्धन प्रमाण-पत्र जाले करते हैं।



उक्त मॉडल एक विकृत गेज ड्रिकर का था: भेल अधिकारी अधिकारी अधिकारी अधिकारी अधिकारी अधिकारी अधिकारी (वे फिल्म) द्वारा राखा गया है। इसकी अधिकतम फिल्म दर ५ फिल्म प्रति फिल्म है। पहली को नैन-फ्री फ्लोइंग उच्चावधि जैसे प्राचुर्य, प्रासाल क्षणों उत्तरावधि की फिल्म के लिए डिजाइन किया गया है। एकाश उच्चावधि दर ५ (प्रति हूँडी) प्रदर्श तोलन परियाम उपर्योगित करता है। उपकरण २३० वोल्ट और ५० हर्ज उत्पादित ५५० विद्युत विद्युत पर कार्य करता है।

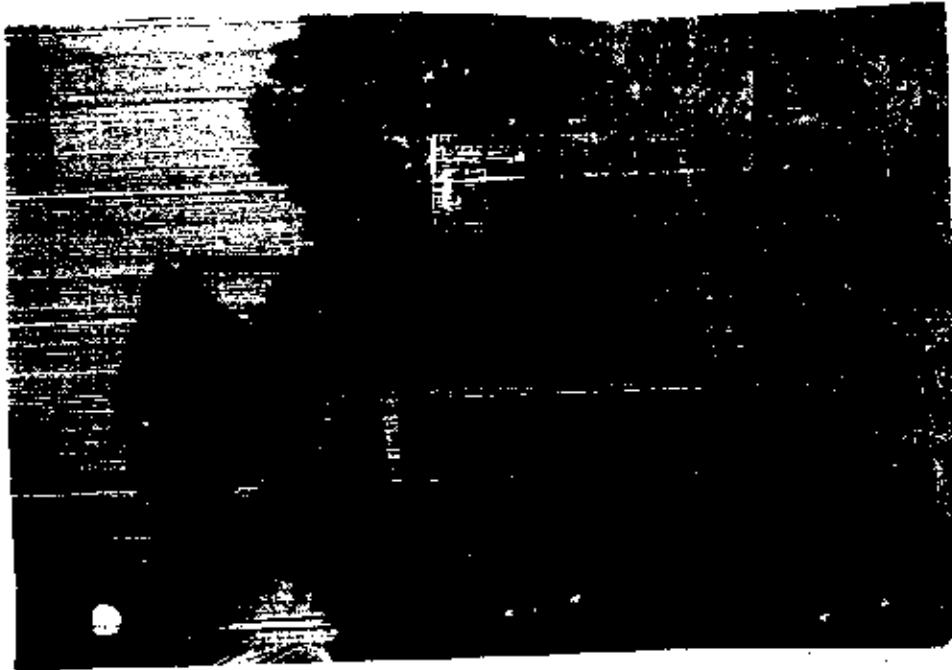
स्टार्पिंग ज्ञान के अंतर्गत पर्यावरण के क्षेत्रों जबहरी के लिए खोलने से राक्षे १०० एक्यूनिट श्री किया जाएगा और मॉडल को विक्री से पहले वा व्याप के उत्तरी मम्मी, यथावधि, डिजाइन, सोर्केट डायग्राम, निष्पादन सिद्धांत आदि को उन्होंने पर परिवर्तित नहीं किया जाएगा।

और कंट्रोल याकार उत्तर अधिनियम की धारा 36 या उप-धारा (१२) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वह भोयणा करती है कि उक्त मॉडल के उत्तरपूर्व के द्वारा प्रपालायक के अंतर्गत उसी अधिनियम द्वारा उसी सिद्धांत, डिजाइन के उत्तरावधि और इसी सामग्री से, जिसमें उक्त अनुप्रोद्धन मॉडल "एल सी एस" किया रखा है, विनियोग उसी धरण के विशेष सेक, यथार्थता और वार्तावाचक के तात्पर्य उपकरण भी होंगे जो १० किलो. से १०० किलो. तक रेज में है।

New Delhi, the 25th July, 2008

S.O. 2550.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1982 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class X (1) of 'AW-SFS-H' series with brand name 'LCS' (herein referred to as the said Model), manufactured by M/s. LCS Controls Private Limited, Plot No. 34 & 35, First Link Street, Nehru Nagar, Chennai—600 041, Tamil Nadu and which is assigned the approval mark TND/09/07 262;



The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler). Its maximum capacity is 50kg. Its maximum fill rate is 6 fills per minute. The machine is designed for filling the non-free flowing products such as powder, spices, granules etc. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alterative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 10kg to 100kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

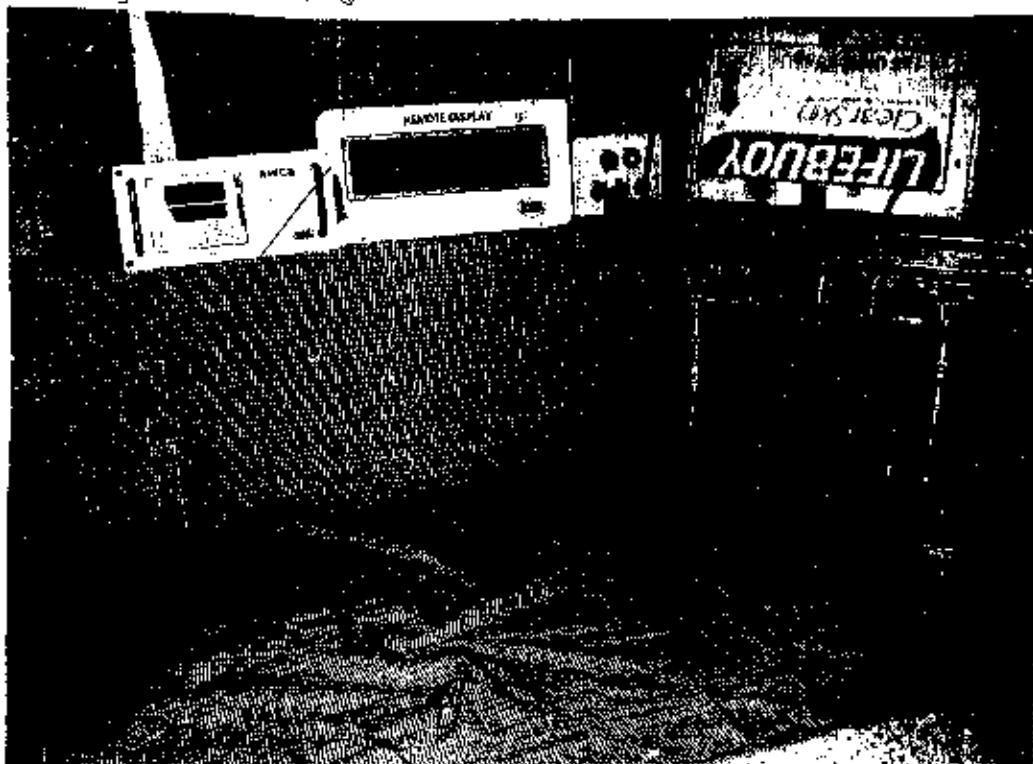
[F. No. WM-21 (116)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 25 जुलाई, 2008

का.आ. 2551.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में जर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योगी के अनुरूप हैं और इस बात की संभावना है कि लायलर प्रयोग की अवधि में भी उक्त मॉडल यथार्थता वन् ए रहेंगे और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेग;

आतः अब केन्द्रीय सरकार, उक्त अधिनियम को भारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल सी एस कन्फोल्स प्रा. लि., एलाट नं. 34 और 35, हर्स्ट लिंक स्ट्रीट, नेहरू नगर, चैन्सी-600 041 द्वारा विनियमित मध्यम यथार्थता (यथार्थता नं-101), बाले “ए ट्यूब्स सी एस” भूखला के अंतर्क सुचन सहित, अस्वचालित तोलन उपकरण (उत्तरायण काउंटिंग सुविधा के साथ) के मॉडल के दिसके ग्रांड का नाम “एल सी एस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी-09/07/263 समन्वयित किया गया है, अनुमोदन प्रनाल-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार में आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 10 किं.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सल्लण मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शान्त प्रतिशत व्यक्तलाल्पक धारित आधेयतुलन प्रधान है। प्रकाश उत्पर्जक डायोड (एल ई डी) प्रदर्श तोलन मरिणाम उपर्दर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसमें नग गिनने की भी सुविधा है।

स्टाम्पिंग प्लॉट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए मौलिकन भी किया जाएगा और भौंडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत अपि को ज्ञानों पर परिवर्तित नहीं किया जाएगा।

आर केन्द्रीय सरकार उक्त अधिनियम को भारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनियोगी द्वारा उसी सिद्धांत, डिजाइन के अनुभार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनियोग किया गया है, विनियमित उसी भूखला के दैसे ही मेक, यथार्थता और कावेयलालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” भान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किं.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 , 5×10^6 , के हैं, जो धनात्मक या क्रूपात्मक पृष्ठीक या शून्य के समतुल्य हैं।

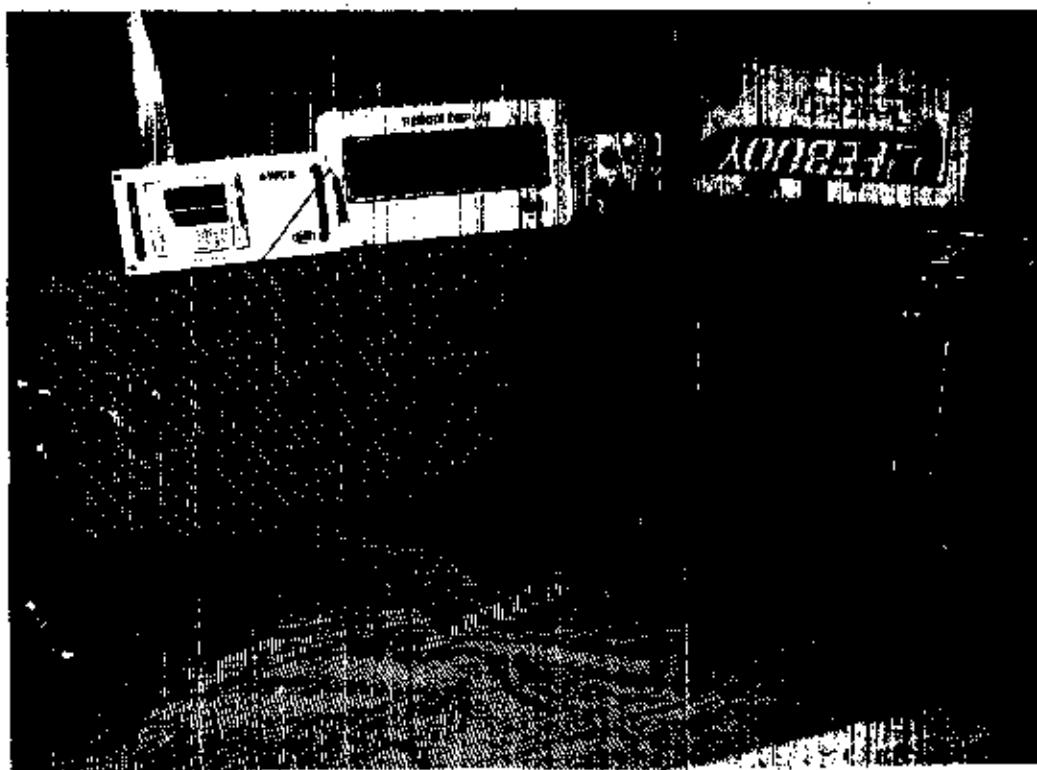
[पट. मं. डक्यूमेंट-21(116)/2007]

आर. नारायणधाम, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th July, 2008

S.O. 2551.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Counting Table top with facility) with digital indication of "AW-CS" series of medium accuracy (accuracy class-III) and with brand name "LCS" (hereinafter referred to as the said Model), manufactured by M/s. LCS Controls Private Limited, Plot No. 34 & 35, First Link Street, Nehru Nagar, Chennai—600 041, Tamil Nadu and which is assigned the approval mark IND/09/07/263;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Counting Scale) with a maximum capacity of 10kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alterative current power supply. It is also having piece counting facility.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (116)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक व्यूरो

नई दिल्ली, 27 अगस्त, 2008

का. अ. 2552.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)

1.	आईएस 13849 : 1993	संशोधन संख्या 8, जुलाई 2008	25 अगस्त, 2008
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इन संशोधनों की प्रतिमां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चांडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कायमग्तुर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनंतपुरम में विक्री होते उपलब्ध हैं।

[संरक्षण : मीडिया/जागरण]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियर)

BUREAU OF INDIAN STANDARDS

New Delhi, the 27th August, 2008

S.O. 2552.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 13849: 1993	Amendment No. 8, July 2008	25 August, 2008

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A.K. SAINI, Sc 1st & Head (Civil Engg.)

नई दिल्ली, 1 सितम्बर, 2008

का. अ. 2553.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)

1.	आईएस 15169 : 2002 औद्योगिक उपयोग को सिलाई मशीनों के लिए सुइच्यू-विशिष्टि	संशोधन नं. 1, जुलाई 2008	31 जुलाई, 2008
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इस संशोधन को प्रतीक्षी भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चांडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कायमग्तुर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनंतपुरम में विक्री होते उपलब्ध हैं।

[मंदर्थ : एप्पिंडी/जी-211]

New Delhi, the 1st September, 2008

S.O. 2553.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments of the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 15169 : 2002 Needles for Sewing Machines for Industrial Purposes—Specification	Amendment No. 1, July 2008	31 July, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2:1]

C.K. VEDA, Sc. 'F' & Head (Mechanical Engineering)

नई दिल्ली, 2 सितम्बर, 2008

का. आ. 2554.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसार में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानक (कों) के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अधिकारी मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 15770 : 2008 लाइट डीजल तेल—विशेषि	कुछ नहीं	जुलाई, 2008
2.	आईएस 15799 : 2008 तार और विटूमनी सामग्री की परीक्षण विधियाँ—विटूमेन का टिकाउपन जात करना	कुछ नहीं	जुलाई, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, लेन्ड्री कार्यालयों : नई दिल्ली, कोलकाता, चाण्डीगढ़, चेन्नई, मुम्बई तथा शास्त्र कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, बुनेरेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीसीडी/जी-7 (गजट)]

डा. (प्रीमली) निजय मालिक, निदेशक एवं प्रमुख (पीसीडी)

New Delhi, the 2nd September, 2008

S.O. 2554.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year and title of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15770 : 2008 Light diesel oil—Specification	None	July, 2008
2.	IS 15799 : 2008 Method for testing tar and bituminous materials—Determination of durability of bitumen	None	July, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manek Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. ECD-G-7 (Gazette)]

Dr. (Smt.) VIJAYA MAHENDRA, Director & Head (PCD)

नई दिल्ली, 2 सितम्बर, 2008

का. आ. 2555.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (7c) में अनुसूचणा में शास्त्रीय मानक व्यूरो एतद्वया अधिसूचित करता है कि जिन भारतीय मानकों के संरोधन के बिवरण नीचे अनुसूची में दिये गए हैं जो स्वरूपित हो गए हैं :

अनुसूची

क्रम	संशोधित भारतीय मानक की संख्या, वर्ष संख्या और शीर्षक	संशोधन संख्या और तिथि	संशोधन नामूद होने की तिथि
(1)	(2)	(3)	(4)
1	आईएस 10319 : 1982 ईथियोन ईम्पूलसार्फियबल सान्द्र को विशिष्टि	संशोधन संख्या 3 वर्ष 2007	31 मार्च, 2007
2	आईएस 1051 : 1980 पायरीधम अर्का को विशिष्टि (दूसरा पुनरीक्षण)	संशोधन संख्या 4 वर्ष 2006	31 मार्च, 2007
3	आईएस 10369 : 1982 ईथियोन, तकनीकी की विशिष्टि	संशोधन संख्या 1 वर्ष 2007	31 मार्च, 2007
4	आईएस 11785 : 1986 केपटन (आद्रकरणीय पाडडर) डब्ल्यू पी को विशिष्टि	संशोधन संख्या 2 वर्ष 2006	31 मार्च, 2007
5	आईएस 14251 : 1995 केपटन, तकनीकी-विशिष्टि	संशोधन संख्या 1 वर्ष 2007	28 फरवरी, 2007
6	आईएस 5346 : 1994 सॉशलस्ट खाद्य रें-नियतियाँ और मिक्रो-विशिष्टि (दूसरा पुनरीक्षण)	संशोधन संख्या 2 वर्ष 2007	30 अप्रैल, 2007
7	आईएस 1698 : 1994 इंडगो कारमिन, खाद्य ग्रेड-विशिष्टि (दूसरा पुनरीक्षण)	संशोधन संख्या 1 वर्ष 2008	29 अगस्त, 2008
8	आईएस 2558 : 1994 पॉसो 4 आर, खाद्य ग्रेड-विशिष्टि (दूसरा पुनरीक्षण)	संशोधन संख्या 1 वर्ष 2009	29 अगस्त, 2008
9	आईएस 4467 : 1996 कैरामल-विशिष्टि (दूसरा पुनरीक्षण)	संशोधन संख्या 2 वर्ष 2008	29 अगस्त, 2008
10	आईएस 8268 : 2001 राईजोबियम जीवाणु कल्चर विशिष्टि (दूसरा पुनरीक्षण)	संशोधन संख्या 1 वर्ष 2008	29 अगस्त, 2008
11	आईएस 14806 : 2000 एजोस्मिरलम जीवाणु कल्चर	संशोधन संख्या 1 वर्ष 2008	29 अगस्त, 2008
12	आईएस 14807 : 2000 थुलनशीलनीय फाल्स्ट जीवाणु कल्चर (पी.एस.बी.आई.) विशिष्टि	संशोधन संख्या 1 वर्ष 2008	29 अगस्त 2008
13	आईएस 13487 : 1992 सिचाई उपस्कर-डल्सर्क-विशिष्टि	संशोधन संख्या 5 वर्ष 2016	03 जुलाई 2008
14	आईएस 15757 : 2007 अनुसरित फार्मूला-अनुपूरक आहार-विशिष्टि	संशोधन संख्या 1 वर्ष 2007	24 सितंबर 2007
15	आईएस 15757 : 2007 अनुसरित फार्मूला-अनुपूरक आहार-विशिष्टि	संशोधन संख्या 2 वर्ष 2008	14 अगस्त 2008
16	आईएस 14433 : 2007 शिशु दुध के वैकसिपक आहार-विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 1 वर्ष 2017	30 सितंबर 2017

(1)	(2)	(3)	(4)
17	आईएस 14433 : 2007 शिशु दुध के वैकल्पिक ब्राह्म-विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 2 वर्ष 2008	14 अगस्त 2008
18	आईएस 14124 : 1993 मेलिक अप्स, खाद्य ग्रेड-विशिष्टि	संशोधन संख्या 2 वर्ष 2008	30 जून 2008
19	आईएस 13704 : 1993 काल्पराजिन (इस्टरगाम) के गिरिमर्गेल, खाद्य ग्रेड-विशिष्टि	संशोधन संख्या 2 वर्ष 2008	30 जून 2008
20	आईएस 4750 : 1996 सोरबिटॉल पाउडर, खाद्य ग्रेड-विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 2 वर्ष 2008	30 जून 2008

इन संशोधनों की प्रतियोगी भारतीय मानक झूरो, मानक मवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, भेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चेन्नई, मुम्बई, चण्डीगढ़ तथा शास्त्र कार्यालयों अहमदाबाद, बांगलौर, मोपाल, भुवनेश्वर, कोश्कटूर, मुवाहादी, हैदराबाद, जयपुर, कानपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में विकी हेतु उपलब्ध हैं।

[सं. : एफएडी/जी-128]

एम. सी. खोसला, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 2nd September, 2008

S.O. 2555.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Amendment	Date of which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 10319 : 1982 Specification for Ethion Emulsifiable Concentrates	Amendment No. 3 Year 2007	31 March 2007
2	IS 1051 : 1980 Specification for Pyrethrum Extracts (second revision)	Amendment No. 4 Year 2006	31 March 2007
3	IS 10369 : 1982 Specification for Ethion Technical	Amendment No. 1 Year 2007	31 March 2007
4	IS 11785 : 1986 Specification for Captan (Wettable Powder) WP	Amendment No. 2 Year 2006	31 March 2007
5	IS 14251 : 1995 Captan, Technical—Specification	Amendment No. 1 Year 2007	28 February 2007
6	IS 5346 : 1994 Synthetic Food Colour—Preparations and Mixtures—Specification (second revision)	Amendment No. 1 Year 2007	30 April 2007
7	IS 1698 : 1994 Indigo Carmine, Food Grade—Specification (second revision)	Amendment No. 1 Year 2008	29 August 2008
8	IS 2558 : 1994 Ponceau 4R, Food Grade—Specification (second revision)	Amendment No. 1 Year 2008	29 August 2008
9	IS 4467 : 1996 Caramel—Specification (second revision)	Amendment No. 2 Year 2008	29 August 2008
10	IS 8268 : 2001 Rhizobium Inoculants—Specification (second revision)	Amendment No. 1 Year 2008	29 August 2008
11	IS 14806 : 2000 Azospirillum inoculants	Amendment No. 1 Year 2008	29 August 2008
12	IS 14807 : 2000 Phosphate Solubilising Bacterial Inoculant (PSBI)—Specification	Amendment No. 1 Year 2008	29 August 2008

(1)	(2)	(3)	(4)
13	IS 13487 : 1992 Irrigation Equipment—Emitters—Specification	Amendment No. 5 Year 2006	03 July, 2008
14	IS 15757 : 2007 Follow-Up Formula—Complementary Foods—Specification	Amendment No. 1 Year 2007	24 Sep., 2007
15	IS 15757 : 2007 Follow-Up Formula—Complementary Foods—Specification	Amendment No. 2 Year 2008	14 August, 2008
16	IS 14433 : 2007 Infant Milk Substitutes—Specification (first revision)	Amendment No. 1 Year 2007	30 Sep., 2008
17	IS 14433 : 2007 Infant Milk Substitutes—Specification (first revision)	Amendment No. 2 Year 2008	14 August, 2008
18	IS 14124 : 1994 Malic Acid, Food Grade—Specification	Amendment No. 2 Year 2008	30 June, 2008
19	IS 13704 : 1993 Glycerol Esters of Wood Rosin (Ester Gums), Food Grade—Specification	Amendment No. 2 Year 2008	30 June, 2008
20	IS 4750 : 1996 Sorbitol Powder, Food Grade—Specification (first revision)	Amendment No. 2 Year 2008	30 June, 2008

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : FAD/G- 128]

S. C. KHOSLA, Scientist 'F' and Head (Food & Agri.)

नई दिल्ली, 2 सितम्बर, 2008

का. आ. 2556.—भारतीय मानक व्यूरो नियम, 1987 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अभिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गए हैं वे स्थापित हों गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 4446 : (भाग 1) : 2008 क्लोरोफिल, खाद्य ग्रेड-विशिष्टि : भाग 1 पैग्नीशियम संकुल (दूसरा पुनरीक्षण)	आई एस 4446 (भाग 1) : 1986	30 जून, 2008
2	आईएस 4446 : (भाग 2) : 2008 क्लोरोफिल, खाद्य ग्रेड-विशिष्टि : भाग 2 कोपर संकुल (दूसरा पुनरीक्षण)	आई एस 4446 (भाग 2) : 1986	30 जून, 2008
3	आई एस 3827 : 2008 राइबोफलेविन, खाद्य ग्रेड-विशिष्टि : (पहला पुनरीक्षण)	आई एस 3827 : 1966	31 मई, 2008
4	आई एस 15795 : 2008/आई एस ओ 2971 : 1998 लिगरेट और फिल्टर रोड- सोकेटिक ब्यास ज्वान करना-लेजर बीम द्वारा मापन उपकरणों के प्रयोग की पद्धति		31 मई, 2008
5	आई एस 3841 : 2008 β-कैरोटीन, खाद्य ग्रेड-विशिष्टि : (पहला पुनरीक्षण)	आई एस 3841 : 1966	30 जून, 2008
6	आई एस 9967 (भाग 1) : 2008/आई एस ओ 14673-1 : 2004 दुध एवं दुध उत्पाद-नाइट्रोट एवं नाईट्राइट का अंश निर्धारण भाग 1 क्रैंडमियम अपनयन तथा स्पैक्टोमेट्री पद्धति (दूसरा पुनरीक्षण)	आई एस 9967 : 1997	30 अप्रैल, 2008
7	आई एस 9967 (भाग 1) : 2008/आई एस ओ	आई एस 9967 : 1997	30 अप्रैल, 2008

(1)	(2)	(3)	(4)
	14673-1 : 2004 दुध एवं दुध उत्पाद-नाइट्रोट एवं नाइट्रोइट का अंश निर्धारण भाग 2 पृथक्कृत प्रबल विश्लेषण पद्धति (सामान्य विधि) (दूसरा पुनरीक्षण)		
8	आई एस 9967 (भाग 3) : 2008/आई एस ओ 14673-3 : 2004 दुध एवं दुध उत्पाद-नाइट्रोट एवं नाइट्रोइट का अंश निर्धारण भाग 3 कैडमियम अधिकारी तथा इन-लाइन डायलिसिस के साथ द्रव अतः क्षेत्रगत विश्लेषण पद्धति (सामान्य विधि) (दूसरा पुनरीक्षण)	आई एस 9967 : 1967	31 जुलाई, 2008
9	आई एस 11623 : 2008 आई एस ओ 5537 : 2004 शुष्क दुध-नमी की मात्रा का निर्धारण (संदर्भ विधि) (पहला पुनरीक्षण)	आई एस 11623 : 1986	31 जुलाई, 2008
10	आई एस 13488 : 2008 रिचाई उपस्कर-दत्तर्जकी पाइप पद्धतियाँ-विशिष्टि (पहला पुनरीक्षण)	आई एस 13488 : 1992	30 सितम्बर, 2008
11	आई एस 4753 : 2008 पोटाशियम नाइट्रोट, खाद्य ग्रेड-विशिष्टि (दूसरा पुनरीक्षण)	आई एस 4753 : 1996	30 अक्टूबर, 2008
12	आई एस 6795 : 2007 एकैशिया (ओरेबिक) गम, खाद्य ग्रेड-विशिष्टि (पहला पुनरीक्षण)	आई एस 6795 : 1972	30 नवम्बर, 2007
13	आई एस 7239 : 2007 गम आटो, खाद्य ग्रेड- विशिष्टि (पहला पुनरीक्षण)	आई एस 7239 : 1974	30 नवम्बर, 2007
14	आई एस 9504 : 2007 एल (+)-टार्टारिक अम्ल, खाद्य ग्रेड-विशिष्टि (पहला पुनरीक्षण)	आई एस 9504 : 1980	30 नवम्बर, 2007
15	आई एस 9505 : 2007 मोनोसोडियम एल-ग्लूटामेट, खाद्य ग्रेड-विशिष्टि (पहला पुनरीक्षण)	आई एस 9505 : 1980	30 नवम्बर, 2007
16	आई एस/आई एस ओ 6492 : 1999 पशु आहार सामग्री-वसा की मात्रा का निर्धारण		31 अक्टूबर, 2007

इन भारतीय मानक (को) को प्रतिवेद्य भारतीय मानक बनाये, मानक अनुबंध, 9, बहादुर साह जफर अंग, नई दिल्ली-110002, भवन का संकेतन : नई दिल्ली, कोलकाता, चापड़ीगढ़, चैनई, मुम्बई तथा शास्त्र कार्यालयों : अहमदाबाद, बंगलौर, घोपाल, भुवनेश्वर, कोयम्बतूर, मुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्ण तथा तिलुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[सं : एफएडी/जी-128]

एस. सी. खोसला, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 2nd September, 2008

S.O. 2556.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 4446 (Part 1) : 2008 Chlorophyll, food grade : Part 1 Magnesium complex—Specification (second revision)	IS 4446 (Part 1) : 1986	30 June, 2008
2	IS 4446 (Part 2) : 2008 Chlorophyll, food grade : Part 2 Copper complex—Specification (second revision)	IS 4446 (Part 2) : 1986	30 June, 2008
3	IS 3827 : 2008 Riboflavin, food grade (first revision)	IS 3827 : 1966	31 May, 2008
4	IS 15795 : 2008/ISO 2971: 1998 Cigarettes and filter rods—Determination of nominal diameter—Method using a laser beam measuring apparatus		31 May, 2008

(1)	(2)	(3)	(4)
5.	IS 3841 : 2008 β -Carotene, food grade—Specification (first revision)	IS 3841 : 1966	30 June, 2008
6.	IS 9967 (Part 1) : 2008/ISO 14673-1: 2004 Milk and milk products—Determination of nitrate and nitrite contents : Part 1 Method using cadmium reduction and spectrometry (second revision)	IS 9967 : 1997	30 April, 2008
7.	IS 9967 (Part 2) : 2008/ISO 14673-2: 2004 Milk and milk products—Determination of nitrate and nitrite contents : Part 2 Method using segmented flow analysis (Routine) method (second revision)	IS 9967 : 1997	30 April, 2008
8.	IS 9967 (Part 3) : 2008/ISO 14673-3: 2004 Milk and milk products—Determination of nitrate and nitrite contents : Part 3 Method using cadmium reduction and flow injection analysis with in-line dialysis (Routine) method (second revision)	IS 9967 : 1997	31 July, 2008
9.	IS 11623 : 2008/ISO 5537 : 2004 Dried milk—Determination of moisture content (Reference method) (first revision)	IS 11623 : 1986	31 July, 2008
10.	IS 13485 : 2008/Irrigation equipment—Emitting pipe system (first revision)	IS 13488 : 1992	30 September, 2008
11.	IS 4753 : 2008 Potassium nitrate, food grade—Specification (second revision)	IS 4753 : 1996	30 April, 2008
12.	IS 6795 : 2007 Acacia (Arabic) gum, food grade—Specification (first revision)	IS 6795 : 1972	30 November, 2007
13.	IS 7239 : 2007 Gum Ghatti, food grade—Specification (first revision)	IS 7239 : 1974	30 November, 2007
14.	IS 9504 : 2007 L (+) Tartaric acid, food grade—Specification (first revision)	IS 9504 : 1980	30 November, 2007
15.	IS 9505 : 2007 Monosodium L-glutamate, food grade—Specification (first revision)	IS 9505 : 1980	30 November, 2007
16.	IS/ISO 6492 : 1999 Animal feeding stuffs—Determination of fat content		31 October, 2007

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : FAD/G--128]

S. C. KHOSLA, Scientist 'F' and Head (Food & Agri.)

नई दिल्ली, 3 सितम्बर, 2008

का. आ. 2557.—भारतीय मानक अूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक अूरो एतद्वाय अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं :—

अनुसूची

(1)	(2)	(3)	(4)
1.	आईएस 731 : 1971 की संशोधन संख्या	7 जुलाई, 2008	31 जुलाई, 2008

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में विकी हेतु उपलब्ध हैं।

[सं. : ईटी 06/टी-2]

गो.के. मुखर्जी, ईजा. 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 3rd September, 2008

S.O. 2557.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
I.	IS 731 : 1971 Specification for Porcelain Insulators for overhead power Lines with a nominal Voltage Greater than 1000 V	7 July, 2008	31 July, 2008

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, and Thiruvananthapuram.

[No. ET 06/T-02]

P. K. MUKHERJEE, Sc. 'F' & Head (Electro technical)

खाद्य और सार्वजनिक वितरण विभाग

नई दिल्ली, 5 सितंबर, 2008

का. आ. 2558.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन पारंपरीय खाद्य नियम के नियमित्युक्त कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारीकृद्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

- पारंपरीय खाद्य नियम,
जिला कार्यालय,
फरीदकोट, पंजाब
- पारंपरीय खाद्य नियम,
जिला कार्यालय,
मोगा, पंजाब

[सं. : ई-11011/1/2008-हिन्दी]

नवीन प्रकाश, संयुक्त सचिव

(DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION)

New Delhi, the 5th September, 2008

S.O. 2558.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following Offices of Food Corporation of India under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Dept. of Food & Public Distribution), where more than 80% of staff have acquired the working knowledge of Hindi :—

- Food Corporation of India,
Distt. Office,
Faridkot, Punjab
- Food Corporation of India,
Distt. Office,
Moga, Punjab

[No. E-11011/1/2008-Hindi]

NAVEEN PRAKASH, Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 10 सितम्बर, 2008

का. आ. 2559.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इककीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवंती जेठवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105 इन्द्रा विहार तलवण्डी, कोटा — 324005 (राजस्थान) को लिखित रूप में आव्वेदन भेज सकेगा।

अनुसूची

तहसील : दीगोद		जिला : कोटा	राज्य : राजस्थान
क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	भाण्डाहेड़ा	132	0.0450
		133	0.0180
		134	0.0750
		137	0.0200

[फ. सं. आर-31015/9/2008-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 10th September, 2008

S. O. 2559.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products Pipeline from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani, Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

TEHSIL : DIGOD		DISTRICT : KOTA	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	BHANDAHEDA	132	0.0450
		133	0.0180
		134	0.0750
		137	0.0200

[No. R-31015/9/2008-O.R.-II]
A. GOSWAMI, Under Secy.

गई दिल्ली, 10 सितम्बर, 2008

का. अ. 2560.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपावड़ अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध ने श्रीमति भगवंती जेठवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105 इन्द्रा विहार तलवण्डी, कोटा - 324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : लाडपुरा

जिला : कोटा

राज्य : राजस्थान

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	कैथोडी	156	0.0342
		161	0.0360
		162	0.0050
		163	0.3200
		164	0.0360
		165	0.0720
		173/243	0.0072
2	ताथेड़	175	0.0144
		772	0.1300
		773	0.0486
		774	0.0432
		825	0.3100
		770	0.5800
		822	0.1800

[क्र. सं. अंक. 31015/2008-ओ.आर-II]

र. गोस्वामी, अवृ सचिव

New Delhi, the 10th September, 2008

S. O. 2560.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products Pipeline from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani, Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

TEHSIL : LADPURA		DISTRICT : KOTA	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	KAITHODI	156	0.0342
		161	0.0360
		162	0.0050
		163	0.3200
		164	0.0360
		165	0.0720
		173/243	0.0072
		175	0.0144
2	TATHED	772	0.1300
		773	0.0486
		774	0.0432
		825	0.3100
		770	0.5800
		822	0.1800

[No. R-31015/9/2008-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 10 सितम्बर, 2008

का. आ. 2561.—केन्द्रीय सरकार ने पेट्रोलियम और खानेज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3407 तारीख 21 नवम्बर, 2007, जो भारत के राजपत्र तारीख 1 दिसम्बर, 2007 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संरथापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 3 मई, 2008 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

क्र०	तहसील : पिङ्डावा ग्राम का नाम	जिला : झालावाड़ सर्वे नंबर	राज्य : राजस्थान क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	रघुनाथपुरा	583/194	0.0792

New Delhi, the 10th September, 2008

S. O. 2561.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3407 dated the 21st November, 2007, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 1st December, 2007, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Mangliya Pipeline Extension Project from Mangliya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 3rd May, 2008;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL: PIDAWA		DISTRICT: JALAWAR		STATE: RAJASTHAN	
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
1	2	3	4		
1.	RAGHUNATHPURA	583/194	0.0792		

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 18 अगस्त, 2008

का. आ. 2562.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधलंब के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, चैन्सी के पंचाट (संदर्भ सं. 338/2001) को प्रकाशित करता है, जो केन्द्रीय सरकार को 18-8-2008, को प्राप्त हुआ था।

[सं. एल-12012/348/2000-आई.आर.(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th August, 2008

S.O. 2562.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 338/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of State Bank of India, and their workmen, received by the Central Government on 18-8-2008.

[No. L-12012/348/2000-IR(B-1)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Wednesday, the 9th July, 2008

Present: K. Jayaraman,
Presiding Officer

Industrial Dispute No. 338/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of State Bank of India and their Workman)

BETWEEN

Sri G. Anuburaja : I Party/Petitioner
Vs.
The Asstt. General Manager : II Party/Respondent
Region-IV
State Bank of India
Chennai-600 001

APPEARANCE

For the Petitioner : M/s Balan Haridas &
R. Kamatchi Sundaresan
Advocates
For the Management : K.S. Sundar and
R. Uma Maheswari
Advocates

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/348/2000 [(IR(B-1)] dated 07-12-2000 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the dismissal of Sri G. Anuburaja by the Management of State Bank of India is legal and justified? If not, to what relief is the workman entitled?"

2. After the receipt of the reference, it was taken on file of this Tribunal as ID No. 338/2001 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their respective Claim Statement and Counter Statement.

3. The averments of the petitioner in the Claim Statement are briefly as follows:

The petitioner joined the services of State Bank of India during the year 1983 and from 1991, the Petitioner was working in Tiruvannamalai branch of the State Bank of India. While so, he was placed under suspension by an order dated 12-10-1992, and was issued a charge memo dated 26-10-1992. The allegations in the charge memo are that the Petitioner had committed misconduct of misappropriation, forgery and making spurious entries in the bank's records resulting in financial loss to the bank. The Respondent conducted domestic enquiry. But the enquiry was conducted in a most unfair manner and the Petitioner was forced to admit the charges and the enquiry was not conducted in accordance with law and the Enquiry officer has held three charges framed against the Petitioner have been proved and one charge has not been proved and it was forwarded to the Petitioner and also the Disciplinary Authority. The Petitioner has given a detailed submission to the enquiry report. After issuing 2nd show cause notice, the Disciplinary Authority has differed with the findings of the Enquiry Officer and held that all the charges including the third charge are proved against the Petitioner and proposed punishment of dismissal from service without notice. Even the Petitioner in his representation to the Disciplinary Authority mentioned that he cannot possibly differ with the findings of the Enquiry Officer without putting him on notice. But the Disciplinary Authority without considering the valid objections raised by the Petitioner mechanically imposed the punishment of dismissal on 23-08-1993. Even the Petitioner's appeal to the Deputy General Manager of the Respondent Bank ended against him. Even though the Petitioner has written the admission in his own handwriting, it was obtained by coercion by the Respondent Bank authorities and the Petitioner was also forced to remit the alleged financial loss into the bank namely Rs. 1,10,600. Thus, the petitioner is only mere a

signatory to the proceedings which was conducted in a most unfair manner. The enquiry was conducted in a great haste and it was conducted in most hurried fashion. The Disciplinary Authority based on the findings which had been arrived at without any materials had imposed extreme punishment of dismissal vide order dated 23-08-1993. The order of the Disciplinary Authority is illegal and is not a speaking order. The domestic enquiry conducted by the Respondent is against the principles of natural justice, fair play and it is further submitted that for the alleged misconduct, the punishment of dismissal is grossly disproportionate. Hence, the Petitioner prays that an award may be passed in his favour.

4. In the Counter Statement, the Respondent has alleged that the Petitioner was working as a Clerk/Cashier in the Respondent Bank's branch at Tiruvannamalai. The allegation that the service of the petitioner was sincere, efficient and utmost to the satisfaction of his superiors is incorrect. He was placed under suspension by an order dated 12-10-92 for the acts of gross misconduct and the same was accepted by the Petitioner and proved and therefore, the Petitioner was dismissed from service. The proved charges are serious in nature. On various dates, the Petitioner has made spurious credit entries in S.B. Account No. 16564/107 in joint names of Smt. M. Maheswari and Sri G. Muthu with an intent to commit fraud on the bank. Further, he has made spurious entries in S.B. Account No. 204/3 in the name of his Mother Smt. G. Munirathinamal with an intent to commit fraud in the bank. Further, he has forged the initials of branch officials/ Head Clerk to authenticate the spurious entries made in ledger accounts as detailed in charges 1 and 2 and out of the spurious credits afforded to S.B. A/c No. 16564/107, the Petitioner has withdrawn a sum of Rs. 93,600 therefrom on various dates and misappropriated the same. Thus, the Petitioner has committed misappropriation, forgery and making spurious entries in bank's records resulting in financial loss which are prejudicial to the interest of the bank and gross misconduct under Para 521.4(j) of Sastry Award. The Petitioner has accepted all the charges framed against him. As regard to Charge No. 3, the Petitioner submitted that he had only put his signature for authentication and did not forge the other official's initials. In the enquiry, in the presence of the Petitioner all the documents were produced and marked as Ex. 1 to Ex. 35. By producing the above documents, it was clearly proved that the Petitioner as an employee of the Respondent Bank had misused his position and made spurious credits and withdrew a sum of Rs. 1,10,600 and hence, it is an admitted case of the Petitioner that he has committed misconduct. The enquiry was conducted by observing the principles of natural justice and as provided under various Bipartite Settlements. The Petitioner participated in the enquiry and availed full opportunity and failed to prove his bona fides and the punishment awarded by the authority was

appropriate and commensurate with the gravity of the misconducts. The Petitioner's appeal before the Appellate Authority was also disposed of according to law. Therefore, the Respondent prays that the claim of the Petitioner has to be rejected.

5. Points for determination are:

- (i) Whether the dismissal of the petitioner by the Respondent Management is legal and justified?
- (ii) To what relief the petitioner is entitled?

6. At the first instance on the representation of both parties, the issue with regard to the question as to whether an opportunity was provided by the Disciplinary Authority in case of the Disciplinary Authority having disagreed with certain evidences recorded by the Enquiry Officer was taken up by this Tribunal and after enquiry, this Tribunal has remanded the matter to the State Bank of India to proceed with the case against the petitioner in accordance with the law. As against that order, both the parties have preferred Writ Petitions before the Hon'ble High Court and the Hon'ble High Court after hearing both the WPs passed an order on 4-11-2006 allowing both the WPs and quashed the order passed by this Tribunal and also directed this Tribunal to restore the ID on its file and proceed to decide the issue of dismissal of the petitioner employee on merits and in accordance with the law. After remand, the matter was taken by this Tribunal, both parties have argued on merits.

8. The learned counsel for the petitioner argued though the Enquiry Officer alleged that the petitioner has admitted the charges framed against him, the admission was only conditional and, therefore, the Enquiry Officer has to come to an independent conclusion with regard to charges framed against the petitioner. On the other hand, he has based his conclusion only on the admission and come to a conclusion that out of five charges, four charges have been proved which is not legal and therefore, there is no legal acceptable evidence to prove that the charges framed against the petitioner have been proved. As such, the findings given by the Enquiry Officer and the imposition of punishment by the Disciplinary Authority are perverse and reasons given by the Enquiry Officer and also by the Disciplinary Authority are not justifiable. Under such circumstances, the major punishment imposed on the petitioner is to be set aside. On the side of the petitioner, Ex. W1, copy of the written submission filed by him before the Enquiry Officer was marked and on the side of the Respondent Ex. M1 to Ex. M11 viz. the enquiry proceedings were marked. Both sides have not adduced any oral evidence and they argued the matter only with records. On behalf of the Respondent, it is argued it is settled position of law that admission is best piece of evidence against the person making the admission.

However, it is open to the persons making the admission to show why the admission is not be acted upon. In the present case, though the petitioner alleged that his admission with regard to the charges is conditional, he has not established that under what circumstances he has admitted and for what reason the admission was made by him and should not be accepted. The learned counsel for the petitioner further relied on the ruling reported in 2004 8 SCC 88 DTC VS. SHY AM LAL for his proposition. I find much force in the argument of learned counsel for the respondent since the petitioner has admitted the charges framed against him viz. that he has dishonestly and fraudulently makes, signs as well as with the intention to causing it to be believed that such document or part of the document signed, sealed was executed and misappropriated the funds of the bank, therefore, it is clear that he had made false documents by initialing the entries with the intention to making it to believe that such document is authenticated by the Branch officials in order to withdraw amounts referred in the charge. In the enquiry, since he has admitted the charges, it is clearly proved that he is committed forgery and defrauded the bank to the tune of Rs. 1,10,600 and misappropriated the same. Therefore, I am not inclined to accept the argument of the learned counsel for the petitioner that the admission made by the petitioner is conditional and qualified one, and, therefore, the findings of the Enquiry Officer that he has admitted the charge is without any substance. As I have already pointed that since it is settled law that in case of the admission of the guilt it is always open to the Enquiry Officer and also for the Disciplinary Authority not to hold any detailed enquiry apart from the admission by the petitioner. Then, the learned counsel for the petitioner further contended that in one charge the Enquiry Officer has come to a conclusion that the charge has not been proved, only partially proved, on the other hand, the Disciplinary Authority has come to a conclusion that the said charge also proved beyond any doubt and even though, Hon'ble High Court has come to a conclusion that opportunity was given to the petitioner by personal hearing, in this case, the findings given by the Enquiry Officer and the imposition of punishment made by the Disciplinary Authority are based only on the admissions of the petitioner and, therefore, it cannot be taken into consideration and the imposition of punishment has to be set aside. It is his further argument that under Section-11A of the ID Act, this Tribunal has got ample power to re-appreciate the finding and come to a different conclusion but I am not inclined to accept this argument because since the petitioner has admitted the charges against him and since the amount involved in this case is very heavy and the amount which belongs to the customers viz. public, I am afraid the discretion given under Section-11A should be used in this case. Further, it is well settled in a banking business, devotion, diligence and integrity need to be preserved by every bank employee and if this is not

observed confidence of the depositors would be impaired and hence I find the imposition of punishment viz. dismissal in this case is legal and justified.

Point No. 2

The next point to be decided in this case is to what relief the petitioner is entitled?

9. In view of my foregoing finding that the imposition of punishment viz. dismissal passed against the petitioner is legal and justified, I find the petitioner is not entitled to any relief.

10. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 2nd July, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:

For the I Party/Petitioner : None

For the II Party/Mgmt. : None

Documents Marked :

Ex.No. Date Description

EX.W1 14-05-1993 Xerox copy of the written submissions filed by the Petitioner before the Enquiry Officer

For the II Party/Management:

Ex.No. Date Description

EX.M1 12-10-1992 Xerox copy of the suspension order

EX.M2 26-10-1992 Xerox copy of the charge sheet

EX.M3 Nil Xerox copy of the enquiry proceedings

EX.M4 24-05-1993 Xerox copy of the letter from disciplinary Authority to petitioner enclosing findings of Enquiry Officer

EX.M5 09-06-1993 Xerox copy of the letter from Petitioner to Disciplinary Authority

EX.M6 18-06-1993 Xerox copy of the letter from Disciplinary Authority to petitioner

EX.M7 16-07-1993 Xerox copy of the personal hearing proceedings before disciplinary proceedings

EX.M8 23-08-1993 Xerox copy of the order of dismissal issued to the Petitioner

EX.M9 13-10-1993 Xerox copy of the letter from petitioner to Appellate Authority

EX.M10 31-12-1993 Xerox copy of the letter from petitioner to Appellate Authority

EX.M11 17-01-1994 Xerox copy of the order of Appellate Authority

नई दिल्ली, 18 अगस्त, 2008

का. आ. 2563.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण पाणी के पंचाट (संदर्भ सं. 50/99) जो प्रकाशित करती है, जो केन्द्रीय सरकार को 18-8-2008 को प्राप्त हुआ था।

[सं. एल-12012/358/1998-आई.आर(बी-1)]
बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 18th August, 2008

S.O. 2563.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/1999) of the Industrial Tribunal-cum-Labour Court I, Panaji, as shown in the Annexure, in the Industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 18-8-2008.

[No. L-12012/358/1998-IR(B-1)]
B. K. MANCHANDA, Section Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I AT PANAJI BEFORE ANUJA PRABHUDESSAI, PRESIDING OFFICER

Ref. No. IT/50/99

Shri Suryakant Naik
Sanvordem, Mirabai,
Falmem, Sanvordem, Goa.

Party I/Employer

V/s

The Zonal Manager, Region-I
State Bank of India,
State Bank Bhavan,
M. G. Road, P. B. No. 12,
Panaji, Goa, 403001

Party II/ Workman

Workman/Party I. D. B. Bhise

Employer/Party II is represented by Adv. M. S. Bandodkar

AWARD

(Delivered on this 17th day of April, 2008)

In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947. The Central Government has referred the following dispute to this Tribunal for adjudication :—

“(1) Whether the action of the Zonal Manager, State Bank of India, Region-I, Panaji, Goa in terminating

the services of Shri Suryakant Naik, Ex-Messenger in their Margao Branch w.e.f. 10-4-1997, is legal and justified? If not, to what relief the workman is entitled for?”

2. On receipt of the reference IT/50/1999 was registered. Notices were issued to both parties. The Party I has filed his claim statement at Exh. 5. He has stated that he had worked for State Bank of India, Sanvordem, Branch from September 1985 to June 1986. In the year 1991, the Zonal Office, State Bank of India, Panaji issued letter No. RM:1:AWD:1844 dated 28th November 1991 calling for interview for considering absorption in Banks Service. He participated in the interview and vide letter dated 2-6-1994 he informed that his name was recommended or temporary appointment as Messenger at its branch, as and when necessary. The Party I has stated that on 23rd June, 1994 he joined as Messenger and worked at Madgaon Branch till 1st July, 1995 and thereafter from 8th July, 1995 till 2nd April 1997. The Party I has stated that he had worked for 410 days and that he had rendered required period of services for absorption.

The Party I has stated that the Party II has terminated his services without issuing any order and that the said termination is arbitrary and illegal and that he is entitled for reinstatement with full back wages and continuity in service.

4. The Party II filed its written statement at Exh.6. The Party II claimed that the reference is not maintainable and that the Tribunal cannot entertain any dispute for regularization. The Party II has further stated that it used to employ temporary workers and daily wage earners in subordinate staff cadre due to exigencies of work. The Party II, with an intention of abolishing the practice of such temporary engagement, entered into various settlements with the Federation, wherein it was agreed that certain specified categories of temporary employees would be considered for permanent appointment in the bank services against the vacancies likely to arise during 1987 and 1991. The said period was further extended from time to time and in the conciliation proceedings held on 9th June, 1995 before Labour Commissioner (Central) at Hyderabad, it was agreed that the panels of the temporary employees daily wage/casual employees would be kept alive up to 31st March, 1997.

5. The Party II has stated that the Party I was engaged as casual workmen for 42 days from September 1985 to June, 1986 at Sanvordem Branch. Pursuant to the circular and an advertisement issued by the Party II, the Party I applied for empanelment and was accordingly empanelled. The Party II has stated that though the Party I was empanelled, he was not engaged during the years 1991, 1992, and 1993 and that he was employed for the 1st time in the year 1994 between 21-6-1994 to 30-6-1995 for which period he was paid at the minimum scale applicable to the

subordinate staff. The Party II has stated that Margao Branch has 14 permanent messengers and there are no vacancies.

6. The Party II has stated that after 8-9-1995 the services of the Party I were utilized as and when required on daily wages. The Party II has stated that Party I does not have any statutory right for permanent appointment. the Party II has stated that as per the settlement dated 26-3-1997 four temporary Messengers were made permanent from 1992 wait list as per their seniority. Since the Party I was 20th in the 1992 list, he could not be absorbed and his services were discontinued from 1-4-1997. The Party II has denied that its act of not absorbing the Party I is arbitrary.

7. On the basis of pleadings following issues were framed: -

1. Whether the Party I proves that he was employed with the Party II as a Messenger till the date of termination of his service?

2. Whether the Party I proves that the Party II terminated his services illegally and without justification from 1-4-1997?

3. Whether the Party II proves that the reference is not maintainable?

4. Whether the Party I is entitled to any relief?

5. What Award?

8. The matter was posted for evidence. The Party I filed his affidavit in evidence at Exh.13, however, even before the cross-examination of the Party I could commence, the parties filed an application, dated 26-8-05 at Exh.14 stating that they have settled the dispute amicably as per the terms incorporated in the application at Exh. 14. The Parties have requested that the Award should be passed in terms of the settlement at Exh. 14. I have perused the terms at Exh. 14 and in my opinion the same are in the interest of the workman. Hence the terms are taken on record and the consent award is passed in terms of the settlement dated 26-8-05 at Exh.14.

ORDER

It is agreed between the parties that the management of State Bank of India, Margao Branch, Goa hereinafter in short referred to as "Management" shall pay a sum of Rs.15,000/- (Rupees fifteen thousand only) to the workman, Shri Suryakant Naik by way of an Accounts Payee Cheque No.792611 dated 30-3-2005 drawn on State Bank of India at Margao branch in full and final settlement of all his (i.e. workman's) claims which shall include any earned wages, bonus, gratuity, overtime, leave encashment, notice pay etc. if any, arising out of his employment/discontinuance/termination and shall also include the claims of the workman arising out of the reference No. IT/ 50/99.

2. It is agreed by Mr. Suryakant Naik (the workman/ Party I) that he shall accept the said amount as mentioned in Clause No.1 herein above in full and final settlement of all his claims which shall include any earned wages, bonus, gratuity, overtime, leave encashment, notice pay etc. if any arising out of his employment/discontinuance/termination and shall also include all his claims arising out of the reference No. IT/50/1999 and he shall acknowledge the said amount by way of Receipt duly signed by him. The Workman/Party I further confirms that nothing further benefits are due and payable to him by the Management either due to his employment in the Bank or under the reference No. IT/50/1999. The workman/Party I has further agreed that this settlement shall satisfy all his claims including his claims under reference No. IT/50/1999 and including any claim of reinstatement and/or re-employment.

3. It is further agreed by the Workman/Party I that he shall have no claim of whatsoever nature against the Employer/Party II including any claim of reinstatement and/or re-employment.

Inform the Government accordingly.

Dated : 17-4-2008

Panaji

A. PRABHUDESSAI, Presiding Officer

नई दिल्ली, 19 अगस्त, 2008

का. आ. 2564.—आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.ची.एम.बी.के. प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुग्रह में निर्विच आंशोगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 19/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-08-2008 को प्राप्त हुआ था।

[सं. श्ल-42012/110/1989-डी-II (ब्री)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th August, 2008

S.O. 2564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/1990) of Central Government, Industrial Tribunal-cum-Labour Court-1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BBMB, and their workman, which was received by the Central Government on 19-8-2008.

[No. L-12012/110/1989-D-II(B)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-L,
CHANDIGARH**

Case ID No. 19/90

Chief Secretary, Nangal Bhakra Labour Union, Nangal Township, Distt. Ropar (Pb.)-140124

.....Applicant

Versus

Chief Engineer, Bhakra Dam, Nangal Township, Distt. Ropar (Pb.)-140124

.....Respondent

APPEARANCES

For the workman : Shri R. K. Singh

For the management : Shri Bhagat Singh

AWARD

Passed on 1-08-2008

Government of India vide Notification No. L-42012/110/89-D-II (B) dated 19-1-1990 referred the following industrial dispute on account of failure of conciliation proceedings for judicial adjudication of this Tribunal :

“Whether Sh. Mool Raj S/o Sh. Chint Ram, Fitter is eligible for promotion to the post of Tempolite Marker considering the order of CGIT, Chandigarh dated 13-11-85 and the seniority position in the post in which he is appointed.”

It is very simple reference for judicial adjudication that whether on the basis the order of CGIT, Chandigarh dated 13-11-85; the workman is eligible for the promotion, and whether he is eligible for the promotion as per his seniority on the post to which he was appointed ? On serious scrutiny of the records, it is clear that the workman was appointed on 4-9-73 on the post of Fitter (Marking). Some dispute on his appointment arose and the matter was referred by the Central Government to the Central Government Industrial Tribunal. Vide its order dated 13-11-85, the CGIT, Chandigarh hold that the workman was appointed to the post of Fitter (Marking) but was given the work to be discharged for the Tempolite Marker.

These two posts Fitter (Marking) and the Tempolite Marker are different under different pay scales. Accordingly, on the basis of the nature of work carried on by the workman, this Tribunal vide order dated 13-11-85, directed the management to fix him at the relevant slab in the scale of Tempolite marker w.e.f. 1-4-1979, since when he was made to function as such and to submit the statement

of accounts of his dues to this Court on or before 15-12-85. The management complied with the order and the difference of pay was paid to the workman. Thereafter the management by specific order directed the workman to work on the post to which he was initially appointed and the office was also directed not to take any work of other responsibility for which the workman was appointed. I have again gone through the entire order. In the order dated 13-11-85 this Tribunal has specifically mentioned that as the workman was made to function on another post to which he was appointed, he be fixed at the relevant slab in the scale of Tempolite Marker to which he was meant to work. Thus, the order dated 13-11-85 was passed by the Tribunal on the basis of the function carried on by the workman and not on the basis of his appointment. There was no question mark on the appointment of the workman to the post of Fitter and as the management has took the work of the Fitter after order dated 13-11-85, the workman was thereafter, not entitled for the higher slab. He is entitled for the pay structure on the basis of his appointment letter. His promotion to the higher scale is governed under the rules and regulations governing the parties and not by the order of this Tribunal which was passed on other special facts. Accordingly, the workman cannot make the order of the Tribunal dated 13-11-85 as the tool and guard for this promotion because this Tribunal has never passed the order that he was entitled for the post of Tempolite Marker but the Tribunal has held that he is entitled for the slab of Tempolite Marker as he was made to function as such. Thereafter, he ceases to function as such, so on the basis of this order, the workman cannot claim for promotion to the Post of Tempolite Marker. On the basis of the documents filed by both of the parties, it is evident that the workman has been promoted to the post of Tempolite Marker in the year 1998 as per his seniority and it is not disputed. Accordingly, this reference is answered. Let the Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अगस्त, 2008

का. आ. 2565.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार श्री बी. एम. बी. के प्रबंधतात्र के संबंद्ह नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 251/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-08-2008 को प्राप्त हुआ था ।

[सं. एल-23012/25/2001-आई आर (सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th August, 2008

S.O. 2565.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 251/2004)

of the Central Government, Industrial Tribunal-cum-Labour Court No. I, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the management of BBMB, and their workmen, received by the Central Government on 19-08-2008.

[No. L-23012/25/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I
CHANDIGARH

Case No. I.D. 251 of 2004

Sh. Dhani Ram, General Secretary, BCB/BBMB Mazdoor Union (PW), S-2/773, Sundernagar, District Mandi (HP)

.....Applicant

Versus

The Superintending Engineer, BBMB, Debar Power Circle, Debar Power House, District Mandi (HP)

.....Respondent

APPEARANCES

For the workman : None

For the management : None

AWARD

Passed on 7-08-2008

Central Government vide Notification No. I-23012/25/2001-IR (CM-II) dated 28th of June, 2004 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management BBMB, Debar Power House, Slapper, District Mandi (HP) in fixing the pay of Shri Ved Prakash son of Shri Chaman Lal less than his junior Shri Tuls Ram as on 1-1-1996 is legal and justified ? If not to what relief the workman is entitled ?"

2. No one is present, on behalf of workman. Learned representative of the management is also not present. Since morning this reference has been called number of times. At 10.45 A.M., it was ordered to be placed before this Tribunal once again at 2 PM. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2004. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned, Chandigarh,

7-8-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अगस्त, 2008

का. आ. 2566.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यो.बी.एम.बी. के प्रबंधित तंत्र के संबंध नियोजकों और उनके कर्मकारों के लिए, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण नं. 1, चाण्डीगढ़ के पंचाट (संदर्भ सं. 147/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-08-2008 को प्राप्त हुआ था ।

[सं. एल-23012/24/1997-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th August, 2008

S.O. 2566.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 147/1998) of the Central Government, Industrial Tribunal-cum-Labour Court-I, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BBMB, and their workmen, which was received by the Central Government on 19-08-2008.

[No. L-23012/24/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case No. I.D. 147/98

Sh. Madan Lal S/o Sh. Dilip Chand, V.P.O. Bahdala (H.P.)
Teh. and Distt. Una, Bhavnagar,

.....Applicant

Versus

The Chief Engineer, Bhakra Dam, Nangal Township, Distt.
Ropar (Pb.)

.....Respondent

APPEARANCES

For the workman : Sh. R. K. Singh

For the management : Sh. Bhagat Singh

AWARD

Passed on 1-8-2008

Central Government vide notification No. I-23012/24/97-IR (CM-II) dated 22-7-98 referred the following industrial dispute for judicial adjudication :

“Whether the action of the management BBMB, represented through Chief Engineer, Bhakra Dam and Secretary, BBMB in terminating the services of Sh. Madan Lal, Driver w.e.f. 22-11-96 is justified? If not, to what relief is the workman entitled?”

This reference was the result of failure of conciliation proceedings in the office of Conciliation Officer, Chandigarh. The controversy, as is clear from the pleadings of the parties is whether a workman who is on probation can be terminated for his misconduct, without conducting departmental enquiry? The workman Shri Madan Lal was terminated on 22-11-96 vide order No. 5336/296/D/B/M/D dated 22-1-96 on the allegation of driving the Jeep No. V-42 (PB-12/3002) on 30-6-96 under intoxication of wine and driving another jeep No. V-49 (PB-16/0147) on 30-7-96 under the intoxication of wine. On previous occasion, dated 30-6-96 the jeep met with an accident whereas, on subsequent occasion dated 30-7-96 the jeep was found abandoned and the driver was found unconscious.

Before passing the above order of termination, a show cause notice was also given to the workman vide letter No. 4497-95/296-E/BM/D dated 16-9-90. The show cause notice was duly received by the workman.

The workman disputed his termination on the ground that he was appointed against the substantial vacancy on permanent basis and cannot be terminated without holding an enquiry. On the other hand, the management justified his termination on the ground that rule 7 of Notification bearing No. 17612/R & R/25/86/R-4 dated 24-6-94 regarding BBMB Class III and Class IV Employees (Recruitment and Conditions Service) Regulations, 1994 provides that a person appointed to any post in the service shall remain on probation for a period of 2 years, if recruited by direct appointment and one year if appointed on promotion. As per the appointment letter, the workman was appointed against a substantial vacancy on regular basis but his service conditions are governed by BBMB Class III and Class IV Employees (Recruitment and Conditions of Service) Regulations, 1994. As he was directly appointed, so as per the provisions of Rule 7 of the above regulation, his services will be on probation for 2 years.

Now the question for determination before this Tribunal is whether the workman who is on probation can be terminated for his alleged misconduct of driving the vehicle under intoxication, without conducting a departmental enquiry. The management of the respondent has alleged that as per sub clause (b) of Clause III to Rule 7 of the said regulations, the prescribed authority is empowered to dispense with the service of any workman, if appointed by direct recruitment, if his work and conduct has not been found satisfactory.

In my opinion there is a difference in two terms namely dispense with the services of the workman if the conduct

of the workman has not been found satisfactory during the period of probation and his termination from the service on ground of alleged misconduct. For former, there is no requirement of the departmental enquiry but for alleged misconduct and particularly if the alleged misconduct is of such a nature which puts a stigma on the workman, the workman cannot be terminated without conducting a departmental enquiry, and if it is done it will be violation of principle of natural justice which is genesis of all the laws, rules and regulations.

Hon’ble the Apex Court in *Indra Pal Gupta Vs. Model Inter College, Thora* 1984 Volume 65 FJR 431 has held as under :—

It is well settled that if the order of termination of the service of an employee, including a probationer, carries a stigma, it has to fall to the ground unless it is preceded by an enquiry as contemplated in law. Therefore, where a person was appointed as a probationer and his services were terminated simplicities under the conditions of service by a letter to the effect that in view of the resolution of the managing committee of the institution he was informed that his services were terminated, but a reading of the letter of termination of service and the resolution of the managing committee which formed part of that letter clearly showed that it was merely a camouflage for any order imposing the penalty of termination of service on the ground of misconduct clearly indicating that they bear a mark of disgrace or infamy and that the employee was visited with evil consequences, the lower Court erred in holding that the order of termination was an innocuous one and did not carry any stigma, and the employee should be declared to be continuing in service.

Likewise in *Dipti Prakash Banerjee Vs. S. B. National Centre* 2000 (Volume 96 Supreme Court 607), it has been held by the Apex Court that where the facts for the order of termination were the foundation of order it cannot be said to be a case of mere motive. It will be considered to be in the nature of stigma and under such circumstances, the employee/workman cannot be terminated from the services without holding a departmental enquiry.

Hon’ble the Apex Court in above mentioned judgment has specifically dealt with the circumstances in which an order of discharge of a probationer can be said to be punitive depends upon whether the allegations therein which are the cause of the termination of services are motive or the foundation. In this context, there is no difference between the cases where the services of a temporary employee are terminated and a probationer is discharged. Hon’ble the Apex Court in the above case further held that :

If findings were arrived at in an inquiry as to misconduct behind the back of the officer or without a regular departmental enquiry, the simple order of termination is to be treated as "founded" on the allegations and will be bad. But if inquiry was not held and no findings were arrived at and the employer was not inclined to conduct an enquiry but, at the same time, he did not want to continue in service the employee, against whom there were complaints, it would only be a case of "motive" and the order would not be bad. Similar is the position if the employer did not want to enquire into the truth of the allegations because of delay in regular departmental proceedings or doubt about securing adequate evidence. In such a circumstance, the allegation would be motive and not the foundation and a simple order of termination would be valid.

The effect which an order of termination of services may have on the person's future prospects of employment is a matter of relevant consideration. If a simple order of termination was passed that would enable the officer to make good in other walks of life without a stigma, if the order contained a stigma, the termination would be bad for the individual concerned must suffer a substantial loss of reputation which may affect his future prospects.

On careful scrutiny of the records and the documents filed by the parties, it is evident that the workman was appointed as a Driver on 25-11-94 against the substantial vacancy on regular basis under the pay scale of Rs. 1020—2130. His services were terminated during the probationary period of 2 years vide office order No. 5336/296-E-BM/D dated 22-11-96 on basis of two charges of misconduct mentioned under Para 2(I) and 2(II). Charges on the basis of which his services were terminated were that he drove the vehicle under the intoxication of wine. Thus, the charges that he drove the vehicle under the intoxication of wine is the basis of his termination from the service and it cannot be termed as mere motive but a stigma that may have serious implication on his future prospects of employment. Accordingly, the decision of the prescribed authority of the management for terminating (discharging) of services of the workman on the basis of the order No. 5336/296-E-BMT dated 12-11-96 has no legs to stand as it has been passed without a departmental enquiry and against the principle of natural justice. This order was passed in violation of the principle of natural as no right of hearing was afforded to the workman while passing this order. Moreover, the show cause notice which is said to be given vide order No. 4497-98/296-E-BM/15 dated 16-9-90 is a face wash because in the second last para of the letter, it is determined act of the prescribed authority that the work and conduct of the workman has

not been found satisfactory during the probation period of 2 years and as such his services are liable to be dispensed with. The bases of this confirm view is again the same that he was found driving the vehicle under intoxication of wine on two occasions. After this firm opinion, a show cause notice had no relevancy because the prescribed authority had already make up the mind to dispense with the services of the workman even prior to given him the notice. It is also a violation of principle of natural justice.

Thus, on the basis of the above observation, I am of the view that the action of the management of the BBMB in terminating the services of Shri Madan Lal, Driver w.e.f. 22-11-96 is not justified. It is illegal as no departmental enquiry was conducted and the order of termination was accordingly passed in violation of the principle of natural justice. The workman Madan Lal is no more. His death certificate is on record. As per the death certificate, the workman dies on 7-12-01. His legal representatives are on record. Under such circumstances, this Tribunal has to again discuss the matter as to for what relief is the workman entitled, which is the second part of the reference. It is also stated here that the probation period of any workman is not over merely because he has served for the entire probation period. As per the Rule 7 (3) of the above regulations, a specific order is required to be passed by the prescribed authority on expiry of the probation period. In such types of cases, where the workman is not available to serve or the management has no substantial vacancy to provide the job to the workman, reasonable compensation is the good answer in such types of cases. Labour Court or Industrial Tribunal is empowered to grant a reasonable compensation. As the workman is no more, his legal representatives are on record, in my opinion, a compensation of Rs. 25,000 will be sufficient to meet the ends of justice. Accordingly, the management of the respondent is directed to provide to the legal representatives of the deceased workman a compensation of Rs. 25,000 within a month. Let the Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अगस्त, 2008

का. आ. 2567. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ परियाला के प्रब्रथत्रं के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकारण, चण्डोगड़ नं. 1 के पांचार (संदर्भ सं. 73/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-08-2008 को प्राप्त हुआ था :

[सं. एल-12012/33/1992-आई आर (बी-11)]

वी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 19th August, 2008

S.O. 2567.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/1992) of Central Government, Industrial Tribunal-cum-Labour Court-I, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Patiala, and their workmen, received by the Central Government on 19-08-2008.

[No. L-12012/33/1992-IR (B-III)]

B. K. MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 73/92

General Secretary, State Bank of Patiala, Sub Staff Union, Head Office, The Mall, Patiala-147001.

.....Applicant

Versus

General Manager (Operation) State Bank of Patiala, Sub Staff Union, Head Office, The Mall, Patiala-147001.

.....Respondent

APPEARANCES

For the workman : Sh. Raj Kaushik

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 5-08-2008

Central Government vide notification No. 12012/33/92-IR (B-III) dated 30th June, 1992 referred the following industrial dispute for adjudication on account of failure of conciliation proceedings in the office of Conciliation Officer.

“Whether the action of the management of State Bank of Patiala in dismissing the services of Shri Hamek Gill, Peon-cum-Frash w.e.f. 8-6-91 is justified? If not, to what relief the concerned workman is entitled?”

I have gone through the entire file before this Tribunal and the enquiry file of departmental enquiry proceedings against Shri Hamek Gill. On 5-10-90, Shri Hamek Gill was charged with as follows :—

That on 25-9-90 at about 3 : 15 p.m., Shri Hamek Gill came to the Main Hall of the Head of his building, where the G.M.O's Sectt. is seated, in a drunken state raised slogans, hurled abuses, derogatory remarks

against General Manager using the following words and thus, displayed disorderly and indecent behaviour at the banks premises and thereafter, slipped away from the bank :

“FARH LO JINE MERA LUN PHARNA
KERAH GM HAI BAHIN DA LORA”

Earlier in the day, Shri Gill reported for duty at Patiala Mall Road, Punjab at 9:45 a.m. and after making his attendance in the attendance register for full day, slipped away from the branch without the permission of the Manager (C&I).

On the basis of the charge, Shri Hamek Gill was asked to reply the charge sheet. Shri Gill replied the same which was found unsatisfactory and in order to ascertain the factual position, an enquiry officer was appointed to conduct the enquiry. The enquiry officer after affording the full opportunity of being heard conducted the enquiry and submitted his report, wherein, the charges leveled against the workman were fully proved. A show cause notice was given to the workman before taking disciplinary action against the workman and after receiving the reply to show cause notice, the disciplinary authority afforded the opportunity for personal hearing. Thereafter, the disciplinary authority imposed penalty of dismissal from service vide order dated 8-6-91. The workman Shri Gill preferred an appeal against the order of disciplinary authority dated 8-6-91, which was dismissed by the appellate authority after affording the opportunity of being heard.

The workman in his statement of claim has disputed his presence at the Head Office on the day in question. The workman has stated that on 25-9-90, the date in question, he had gone to Rajinder Hospital, Patiala to get his sister-in-law discharged and the inquiry was initiated against him with some malafide motives. There was no complaint lodged against him and he was not provided the copy of the complaint. When asked for answering the charge sheet leveled against him. Enquiry officer has not afforded him the appropriate opportunity of being heard and the inquiry, accordingly, was conducted against the principle of natural justice. All the witnesses who were examined by the Enquiry Officer were prejudiced being a member of another union. On the other hand, on behalf of the management, it is stated in written statement that proper opportunity of being heard was given.

Enquiry was conducted in a proper, fair and reasonable manner and there was no violation of any of the rules of principle of natural justice.

Both of the parties were afforded the opportunity to adduce the evidence. Shri Hamek Gill filed his affidavit whereas, on behalf of the management, Sh. R. S. Sethi filed the affidavit.

Shri Harnek Gill was cross-examined by learned counsel for the management on 15-2-99, whereas, Shri R. S. Sethi was cross-examined in the Tribunal on oath in Open Court. This reference was fixed for arguments from 7-6-99 and arguments could be heard on 9-7-08 after 9 years and that too under protest. On 23-5-08, notice was served upon the parties to turn up for arguments for 10-6-08. On 10-6-08, the Court also tried to get the case disposed of by adopting the mechanism of negotiation and conciliation in Lok Adalat but it could not have been possible to dispose of this case in Lok Adalat and 2-7-08 was fixed for arguments. On 2-7-08, learned counsel for the workman moved an adjournment application which was allowed as the last opportunity and parties were directed to argue the case on 8-7-08. On 8-7-08, again it was requested on behalf of the workman to adjourn the case and considering the age of the case 9-7-08 was fixed. On 9-7-08, no one turned up for the workman and the arguments of learned counsel for management were heard and the file was reserved for Award. Learned counsel for the management has argued that the Enquiry Office conducted the enquiry in a very fair and reasonable manner, the charge leveled against the workman was well proved by the statement of witnesses and the document placed before the Enquiry Officer. Proper opportunity of being heard was given to the workman and there is no requirement under law to interfere with the finding of Enquiry Officer and the punishment given by the disciplinary authority.

It has also been argued by learned counsel for the management that the words uttered by the workman are so derogatory that it is not possible for the bank to continue the services of the workman and misconduct committed by the workman is of such a nature which warranted his dismissal and no other punishment.

I have gone through the enquiry report, enquiry proceeding, evidence given by the parties before the Tribunal and other materials on record. The first objection raised by the workman is that no charge can be framed against him without a complaint. The copy of the complaint was not provided to him and he could not answer the charge sheet properly and accordingly prejudice was cause to him. On perusal of the record, it is evident that on 25-9-90 a surprise check of GMO's Sect. was conducted at about 3 : 00 p.m. During the course of surprise check, which was conducted by Assistant General Manager (Vigilance), it came to the notice that Shri Harnek Gill, Peon posted at Mall Road, Patiala Branch showed indecent behaviour and allegedly heard abuses in the main hall. The report of surprise check by Assistant General Manager (Vigilance) was given to GMO and as desired by the GMO the matter was entrusted to K. J. Wadhan, Officer of this department for investigation. Shri. K. J. Wadhan conducted a preliminary investigation and submitted his report on 27-9-90 holding that Shri Harnek Gill visited the Head Office at about 3 : 00 p.m. and is guilty of showing disorderly

behaviour. In the preliminary enquiry, as more as 17 witnesses were recorded and one of the witness Shri Sunil Arora categorically gave the exact abuses hurled by Shri Harnek Gill. Accordingly, on the basis of a surprise check on 25-9-90 and the report of the parliamentary investigation by the Vigilance Department of the Head Office by Sh. K. J. Wadhan, Officer MMGS-II Department of Vigilance, the workman Shri Gill was charge sheeted and on his unsatisfactory answer a departmental enquiry was conducted.

Thus, I have no reason to agree on the contention of the workman that he could not have been charge sheeted without a complaint. He was charge sheeted on the basis of a surprise check conducted by the Vigilance Department and on the basis of preliminary investigation conducted by Sh. K. J. Wadhan. Thus, it cannot be said that the initiation of inquiry has no legs to stand as initiated on the basis of surprise check by the Vigilance department and the report of preliminary investigation conducted by the Vigilance Department itself.

First of all, it will be proper to discuss the genuineness of the enquiry, whether the enquiry was conducted in a fair and proper manner by the officer competent to conduct the enquiry ? And whether the Enquiry Officer while conducting the enquiry complied with the rules of principle of natural justice ?

I have gone through the enquiry report and of the enquiry proceeding which is in 116 pages and was concluded on 16 dates from 25-10-90 to 26-3-91. The procedure which was adopted by the Enquiry Officer is very well mentioned in first page of the enquiry report which in my opinion is a fair and reasonable procedure. The Enquiry Officer was duly appointed by the prescribed authority and it was intimated to the workman as well. It is true that workman in so many letters written to the Enquiry Officer, which he has filed in the proceedings of this Tribunal, has questioned the manner of conducting the Enquiry but after going through the objections raised by the workman and the enquiry proceedings, I am of the view that on every date of hearing either the workman in person or his duly appointed representative Shri Ashwani Sharma was present. As more as 7 witnesses were examined by the Enquiry Officer and all of the witnesses were cross-examined either by the workman or by his duly appointed representative Shri Ashwani Sharma. The workman also adduced 4 defense witnesses which were recorded by the Enquiry Officer and cross-examined by the management. After perusing and analyzing the evidence oral and documentary, the Enquiry Officer gave his finding that the workman on 25-9-90, reported for duty at Patiala Mall Road Punjab at 9 : 45 a.m. and after marking his attendance in the attendance register for the full day slipped away from the branch without the permission of the Manager (CI). Further at about 3.15 p.m. he came to the Main Hall of Head Office

Building where the GMO's Sectt. is seated in drunken state and raised slogans, 'hurled abuses, derogatory remarks against the General Manager by using the following words: :

**"FARH LO JINE MERA LUN PHARNA KERAH
GM HAI BAHIN DA LORA"**

It was also reported in the enquiry report that in this manner, workman displayed disorderly and indecent behaviour at the bank's premises. On the basis of the enquiry report a show cause notice along with the copy of the enquiry report was given to the workman on 17-6-91. Shri Gill replied to show cause notice vide letter dated 17-6-91 and after considering the reply of the workman the disciplinary authority on 8-6-91 passed the order of dismissal without notice in terms of Clause 196 (A) of the bipartite settlement, 1966. Thus, on the basis of the above observation, I am of the view that the Enquiry Officer was duly appointed as per the rules of the bank by the competent authority. The Enquiry Officer was empowered to conduct the enquiry and he conducted the same in a proper, reasonable and fair manner. On perusing the materials on record, there seems no violation of any of the rule of principle of natural justice and accordingly, I have nothing to say on the procedure and manner in conducting the enquiry.

The question for determination before me now is whether the Enquiry Officer has rightly held the charge proved. Before discussing this issue, it is proper to mention that the proceedings before the Tribunal are altogether of different nature than that of the Civil Court. Likewise, in the departmental proceedings conducted by a man of department, it would be expected that all the rules of the Evidence Act and the procedure as is applicable in the Civil Courts will not be applied. In the departmental proceedings, if the enquiry is conducted as per the manner mentioned in the concerned rules of the department, it will be sufficient. It is true that there is minor contradictions in the evidence recorded by Shri K. J. Wadhan in preliminary enquiry and in the statement recorded by the Enquiry Officer. During preliminary investigation only one witness Shri Suneel Arora gave categorically the exact abuses hurled by Shri Gill whereas, before the Enquiry Officer, Gurinder Pal Singh PW2, Shri Suneel Arora PW4 are said to hear and reported the exact words hurled by Shri Gill. It is a development in the statement of PW2 that he could not reproduce the same words uttered by Shri Gill at the time of incidence to Sh. K. G. Wadhan. It is a minor discrepancy which has no value in the departmental proceedings because as stated earlier, the departmental proceedings are altogether on different footing than that of the proceedings before the Civil Court and on the basis of this discrepancy no adverse inference should be drawn by the Tribunal.

The workman also produced as more as 4 defense witnesses. The workman wanted to prove as is clear from the statement of all the 4 defense witnesses, that on the day and time in question he was present somewhere else in Rajinder Hospital, Patiala. The witnesses who were adduced by him have casually stated that Shri Gill was present in the Hospital but no documentary proof before the Enquiry Officer was placed by any of the witnesses. Moreover, in the cross-examination of these witnesses they referred such facts regarding the addresses, relationship between the parties that it is not possible for this Tribunal to believe the story raised by the workman. Accordingly, the Enquiry Officer while discussing the evidence has rightly discarded the evidence of all the 4 defense witnesses. All the witnesses adduced by the management of the bank and recorded by the Enquiry Officer has the firm view that Shri Gill while appearing to the Head Office was in a drunken state. Few witnesses have said that he seems to be in the drunken position. All the witnesses have seen Shri Gill from a remote distance and it was not possible for them to assess whether Shri Gill was in a drunken position. No medical examination regarding his drunken position was conducted. So the Enquiry Officer was not justified in holding that Shri Gill on 25-9-90 at about 3.15 p.m., appeared the Main Hall of Head Office Building raised slogans hurled abuses, derogatory remarks by using the following words :

**"FARH LO JINE MERA LUN PHARNA KERAH
GM HAI BAHIN DA LORA"**

As stated earlier that proceedings before the Tribunal are altogether of different nature. It was held by the 3 Judges Bench of Hon'ble Apex Court in State of Haryana and Others Vs. Rattan Singh 1997 II LL-50 that "in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. Departmental authorities and Administrative Tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act. The essence of a judicial approach is objectivity, exclusion of extraneous materials or considerations and observance of rules of natural justice. Fairplay is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal cannot be held good. The simple point is, was there some evidence or was there no evidence-not in the sense of the technical rules governing regular Court proceedings but in a fair common sense way as men of understanding and worldly wisdom will accept."

Thus, considering and applying the principle laid down by Hon'ble the Apex Court, I am of the view that the Industrial Tribunal or the Labour Court must view the departmental enquiry and other material on record on the basis of the principle laid down earlier that where reasonable and fair procedure was adopted by the enquiry officer, and there was no violation of any of the rules of the principle of natural justice, the Tribunal and the Labour Court has very limited scope to interfere. Accordingly, there is no scope before this Tribunal to interfere in the finding of the enquiry officer and the disciplinary authority awarding the punishment of dismissal of Shri Harnek Gill because the act as proved to be committed by Shri Harnek Gill cannot be tolerated in any of the office. If it is tolerated, then the sanctity of the office will be at stake and work culture diminished. Accordingly, the reference is answered in positive that the action of the management of State Bank of Patiala in dismissing the services of Shri Harnek Gill Peon/Parsh w.e.f. 8-6-91 is justified and the workman is not entitled for any relief. Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अगस्त, 2008

का. आ. 2568.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार, आंदोलिक अधिकरण, चण्डीगढ़ नं. 1 के पंचाट (संदर्भ सं. 41/1993) द्वारा प्रकाशित करती है, जो केन्द्रीय सरकार को 14-08-2008 द्वारा प्रकाशित करती है, जो केन्द्रीय सरकार को 14-08-2008 द्वारा प्रकाशित करती है।

[सं. एल-12012/27/1992-आइ अर (वी. 3)]

बी. के. मनचन्दा, अदुभाग अधिकारी

New Delhi, the 19th August, 2008

S.O. 2568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/1993) of Central Government, Industrial Tribunal-cum-Labour Court-I, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 19-08-2008.

[No. L-12012/27/1992-IR (B. 3)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I
CHANDIGARH

Case No. ED. 41/93

General Secretary, State Bank of India, Staff Congress,
1303, Sector 23-B, Chandigarh-160023

.....Applicant

Versus

The Regional Manager, State Bank of India, Region-I,
Sector-17, Chandigarh

.....Respondent

APPEARANCES

For the workman	Shri Raj Kaushik
For the management	Shri Ashok Khullar

AWARD

Passed on 8-8-2008

Central Government vide notification No.-12012/27/1992-IR (B-3) dated 12-3-93 referred the following industrial dispute for judicial adjudication on account of failure of conciliation proceedings.

“Whether the action of the management of State Bank of India in terminating the services of Shri M. K. Sharma w.e.f. 27-3-93 is legal and justified? If not, to what relief the workman is entitled to and from what date?”

I have gone through the pleadings of the parties. It is evident from the pleading that the workman Shri M. K. Sharma joined the services of State Bank of India on 28-4-81 and was confirmed on 11-10-81. The workman was transferred from Chandigarh to Gill Road Branch, Ludhiana, on 28-11-81. Some dispute between the workers of the bank and Mr. Arvinder Singh, owner of Mr. Ajay Foundry Works, Ludhiana took place on 10-8-88 in which both of the parties agitated as per the remedies available to them. During the enquiry proceedings of said incident the workman was transferred to Ludhiana Branch of Ludhiana. The workman protested the transfer and filed a civil suit in the Court of Senior sub-Judge Ludhiana and the Court of Senior Sub-Judge Ludhiana was kind enough to pass an ex-parte injunction order on 28-3-88 in favour of the workman and workman reported at Gill Road Branch, Ludhiana where he was allowed to rejoin but was not allowed to do any work. Few days after the court of sub-Judge Ludhiana vacated the ex-parte injunction order on 21-9-88. Consequently, the Branch manager illegally stop the entry of the workman without giving any relieving letter and without assigning any reason for the same on the advice of Union Bank of India staff Congress. The workman withdraws the civil suit and raised an industrial dispute against the action of the management. The Central Government refused to refer the reference to the Industrial Tribunal excepting the conciliation of the management of the bank that the workman was transferred by the bank from one branch to another. The Union to which the workman was a member served a strike notice on the management and accordingly, the U.C.U.C immediately started conciliation proceedings. During the conciliation proceedings the management took the stand that the

workman stand transferred to Ludhiana Branch and he is at liberty to join their. During conciliation proceedings, the management of the bank fails to produce any transfer/reliving order. Nor the management was ready to relieve. On the advice of the Union, the workman reported at Ladhwal Branch on number of times to join the duties but the branch manager refused to receive the joining letter on the plea he will consult the regional office regarding it and after consulting regional office the workman will be allowed to join the Branch. During the conciliation proceedings it came to the notice of the workman that the management of the bank illegally passed the orders of termination in advance without any justification and without serving the letters on the workman on the ground that the workman has voluntarily abandoned his services.

The management of respondent bank disputed these facts in written statement and stated that the workman Shri Sharma was transferred on 16th of August, 1988 to Lodhwal Branch, Ludhiana, and in spite of joining at the Lodhwal Branch; he filed a civil suit against the transfer order. The Civil Court at the initial stage granted the stay but the stay was vacated. As the workman had been relieved already, he was not permitted to rejoin after stay order. On number of occasions he was instructed by the Bank to join at the Ladhwal Branch, but he failed. The final notice in this regard was sent to him on 30-3-90 at his recorded address and the same was redirected to 1261 Shimlapuri, Ludhiana. However, this letter was received back with the remarks that no such person stays at 1261 Shimlapuri, Ludhiana. As even after the final notice, the workman has not joined at the Lodhwal Branch his services were automatically terminated being abandoned. As per the provisions of the bipartite settlement an enquiry in such cases was required.

Both of the parties were afforded the opportunity for adducing evidence. Shri M. K. Sharma, the workman, filed the affidavit. On the other hand, Shri Bharat Bhushan Vashist and Mrs. Sukhwinder Kaur filed the affidavits on behalf of the management of the respondent bank and both of the witnesses were cross-examined by the learned counsels of the opponent respectively.

The main question before this tribunal for judicial adjudication is whether non-joining by the workman at the Lodhwal Branch under the circumstances of the case shall be deemed to be abandoned his services? Apart from the other documents filed by both of the parties, there are three important notices which are said to be sent by the management of the respondent bank to the workman. All these notices are admitted to both of the parties.

Notice dated 5-9-89 given by the management of respondent bank to Shri Mahesh Kumar Sharma regarding unauthorized absence from duty. Through this notice the workman was advised to report for duty within 30 days from the date of this notice, otherwise it will be deemed

that he has voluntarily retired from service on the expiry of notice in which he will also be liable to pay to the bank 14 days/1 month pay and allowances in lieu of the notice.

Another notice which is on record is dated 8-3-90. Vide this letter (notice) the workman was informed that he is absent from duty unauthorized since 23-8-88 from Lodhwal Branch, Ludhiana. Through this notice the workman was also directed vide memorandum no. 12/131 dated 5-9-89 calling upon him to report for duty within 30 days. It is stated by the management that as he has failed to report for duty by 26-3-1990, it is deemed that he has voluntarily abandoned his services on 27-3-1990.

The third letter/memorandum/notice is dated 27-3-1990 which is said to be the final notice in the written statement filed by the management of the respondent bank. The last three line of para no. 1 of this notice reads as under :—

“Thus, we have not been left with any alternative but to send you the final notice for abandonment of services by you”.

Admittedly, it is the final notice as said by the management of the respondent bank and rightly alleged in its written statement.

On the other hand, the workman has also filed several letters and one of the letter is dated 16-1-91 requesting the Manager of Lodhwal Branch to permit him to join the service. There are two letters written by the workman addressed to the Branch Manager Lodhwal on 16-1-91 regarding the same contents, i.e. permitting him to join at the Branch. In response to these letters the manager of Lodhwal Branch has informed the workman that he is referring this issue to the headquarter whether permission for joining the services be granted? The workman has also filed a letter dated 19-9-89 which is answer of the letter dated 5-9-89 written by the Branch Manager Lodhwal Branch advising him to join the services/ No doubt there are so many other documents on record which will be dealt with separately at the relevant time. On the basis of the above mentioned letters and other materials on record, this Tribunal has to determine whether the workman has abandoned his services ?

As per the dictionary, “The New International, Websters Comprehensive Dictionary of the English Language, Encyclopedia Edition, the meaning of abandonment is as follows :—

“Abandonment means to give up wholly, to desert, to for sake or as an effort or attempt to surrender or gave over permanently”.

Thus, this meaning shows that abandonment means gave up a right permanently with intention not to do the work again.

It means for abandonment of services the intention of the workman for not joining the duty should be clearly established. If it is not established the abandonment cannot be held to be proved. The same view has been expressed by Hon'ble the Apex Court in *Punjab and Sind Bank and others Vs. Sakottar Singh* 2001-1 Supreme Court cases 214 as relied upon the law established in *Syndicate Bank Vs. General Secretary, Syndicate Bank Staff Association* 2000-05 SCC 65. In the above case law, Hon'ble the Apex Court has held that a reading of clause xvi of IV bipartite settlement will make it clear that in the event an employee absents himself from duty for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended the management may, at any time thereafter, give a notice to the employee at the last known address calling upon him to report for duty within 30 days of notice stating, inter alia, the grounds for the same. On coming to the conclusion that the employee has no intention of joining duty and furnishing necessary evidence wherever relevant and unless the employee reports to duty within 30 days of the notice or give an explanation for his absence satisfying the management that he has not taken up another employment or avocation and that he has no intention for joining the duty the employee will be taken to have voluntarily retired from the bank service on the expiry of the time fixed in the said notice. In the event of the employee giving a satisfactory reply, he will be permitted to report for duty thereafter within 30 days from the expiry of the aforesaid notice without the prejudiced to the bank's right to take any action under the law or rules of services. Under this rule the employee is giving an opportunity to rejoin duty within a stipulated time or explain his position to the satisfaction of the management that he has no intention for not joining duty, and presumption will be drawn that the employee does not require the job any more and hence is retired from service.

On the basis of the notices, evidence, facts and circumstances of the case and the law laid down by the Hon'ble the Apex Court in above mentioned case, I am unable to accept the contention of the management that it shall be deemed that workman has retired from the service from 27-3-1990 on the following grounds :—

(1) The management of the respondent bank is unable to establish the date of final notice. As per letter dated 5-9-89 the workman was directed to resume his work and join the duty within 30 days from the date of the notice. Whereas, from letter dated 8-3-90 the workman was informed that the workman has voluntarily abandoned the service from 27-3-90. There is another letter on record dated 27-3-90 in which the management claims to be the final notice given to the workman to resume the services. In between these letters there has been a regular communication between the workman and the management of the

bank. Notice dated 27-3-90, which is said to be the final notice, shows that the management has not acted upon the previous two notices dated 5-9-89 and 8-3-90.

- (2) The reply of the letter 5-9-89 was given by the workman on 19-9-89 showing the intention to serve the bank. The dispute between the management of the bank and the workman was not on intention to render the services to the bank but it was on the fact where to join and in what branch the workman has to serve? From all the transactions, which are on record, it is evident that the management has failed to prove that the workman has no intention to serve to the bank and he is serving somewhere else for his survival. It is admitted to the parties that not only the correspondence between them but the proceedings of conciliation have also been pending before the conciliation officer regarding the dispute of the transfer. There are certain other communication made by the workman to the management of the bank that he wanted to join at Ludhiana branch but he was not permitted on the protest that he can be permitted after obtaining the permission from the head office and what order has been passed by the head office neither was communicated to the workman nor has been filed on the record.
- (3) In its pleading, the management of the bank has admitted that he was retired from the services of the bank on 27-3-90, whereas, the management has claiming that the final notice was served upon him on 27-3-90. It is true that M.W. 1 in his opening sentence of cross-examination has stated that letter dated 27-3-90 was issued to the workman for informing him about the confusion in dates. But I am unable to accept this contention of the management because the management has not only mentioned in his pleadings that final notice was given on 27-3-90 but a letter issued by the management of the bank to the workman dated 27-3-90 is on record. In this notice it is very well mentioned that it is the final notice and upon the workman asking him to join the services within 30 days. If vide letter dated 17-3-90 a last opportunity is given to join the service, how the workman can be precluded to leave from the services of the bank on 27-3-90. Moreover, on perusal of the record and the evidence of the parties, the intention of the workman not to serve the bank is not established. Moreover, from the correspondence, it is clear that the workman has been willing to serve the bank throughout.

May be the workman has committed any other misconduct. He was transferred by the management of the bank to which he did not comply with. He was regularly visiting and contacting the officials of the management in the branch from which he was transferred. It may be the case of disobedience of the order of the management but not the abandonment of the services and for disobedience of the order of the management an enquiry is mandatory. Admittedly, no enquiry was conducted.

Thus, I am of the view that on the basis of the above observations, it cannot be presumed that the workman has abandoned his services. He might have committed another misconduct for which an enquiry was mandatory and no enquiry was conducted. Thus, the reference is answered in negative that the action of the management of State Bank of India in terminating the services of Shri M. K. Sharma w.e.f. 27-3-90 is not legal and justified. The workman is entitled to serve the bank on the basis of the transfer order made by the management. As the workman has not worked for a pretty long time, on the principle of "no work no pay" he will not be entitled for any back wages. It is *prima facie* established that the workman was transferred from one branch to another in Ludhiana to which he has not complied with. Accordingly, this order for permitting the workman to join will be effective without any prejudices to the right of the management to take any action according to law and rules of the Bank. The management of the bank is directed to permit the workman to join on the branch he was transferred within a month. Let the Central Government be informed. File is to be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अगस्त, 2008

का. आ. 2569.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 को अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार, आंदोलिक अधिकरण, चण्डीगढ़ नं. 1 के पंचाट (संदर्भ सं. 183/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-08-2008 को प्राप्त हुआ था।

[सं. एल-12012/105/2000-आई आर (बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 19th August, 2008

S.O. 2569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 183/2000) of Central Government, Industrial Tribunal-cum-Labour Court-I, Chandigarh, as shown in the Annexure.

In the Industrial Dispute between the management of State Bank of Patiala, and their workmen, received by the Central Government on 19-08-2008.

[No. L-12012/105/2000-IR (B-1)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case I.D. No. 183/2000

Smt. Amarjit Kaur W/o Sh. Ashok Kumar, R/o VPO Ramgarh,
Distt. Panchkula (Haryana)

.....Applicant

Versus

(1) The Branch Manager State Bank of Patiala, Ram Garh,
Distt. Panchkula (Haryana).

(2) The Asslt. General Manager-II (Haryana), State Bank
of Patiala, SCO Nos. 103-107, Sector 8-C, Chandigarh

.....Respondent

APPEARANCES

For the workman : None

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 5-8-2008

Central Government vide Notification No. L-12012/105/2000-IR (B-1) dated 25-5-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of Patiala in terminating the services of Smt. Amarjit Kaur W/o Shri Ashok Kumar w.e.f. 23-7-1999 is just and legal? If not to what relief the workman is entitled to?"

2. No one is present on behalf of workman. Learned representative of the management Shri N. K. Zakhmi is present. Since morning this reference has been called number of times. At 10.45 a.m., it was ordered to be placed before this Tribunal once again at 2 p.m.. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2000. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh.

5-8-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 19 अगस्त 2008

का. आ. 2570. औद्योगिक दिनांक 20/7/1992, 1992 (14 अगस्त 1992) की धारा 17 के अनुसार मेरी ओर सरकार सेट बैंक, लौक पटियाला प्रबंधतात्र के संबंध नियोजकों उमर उनके वर्गाद्यों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में अन्तर्गत लकड़ा, औद्योगिक अधिकारण, चारडोगड़ नं. 1 के द्वारा (प्रिया नं. 11/1992) को प्रकाशित करती है, जो अन्द्रेय सरकार, आ. 19-08-2008 की तरह हुआ था।

[मे. एल-12012/09/1992-आई अन्तर्गत ११]

वी. के. मनचन्दा, अनुप्रय अधिकारी

New Delhi, the 19th August, 2008

S.O. 2570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/1992) of Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Patiala, and their workmen, received by the Central Government on 19-08-2008.

[No 1-12012/09/1992-IR (B3)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case I.D. No. 11/92

Shri Gurnam Singh C/o Shri Tek Chand Sharma, 24, So. 4
Nagri, Civil Lines, Ludhiana.

....Applicant

Versus

General Manager, State Bank of Patiala, Head Office, The
Mail, Patiala-147001

...Respondent

APPENDIXES

For the workmen : Sh. Teek Chand Sharma

For the management : Sh. N. K. Zakhmi

AWARD

Passed on 7-6-2008

Government of India vide 'Gazette Extraordinary No. 2/1992-9/92-IR (B3) dated 30-2-1992' preferred the following

industrial dispute for judicial adjudication on account of failure of conciliation proceedings :

"Whether the action of the management of State Bank of Patiala in dismissing the workman Shri Gurnam Singh, Peon-cum-Finish, vide their letter dated 28-1-91 was justified / if not, what relief the workman is entitled to?"

I have gone through the pleading of the parties. On serious scrutiny of the pleadings, it is evident that the workman was charged on two counts on 15-3-90 as follows :

- That on 24-11-89, the workman fraudulently withdrew a sum of Rs. 10,000 from the Saving Bank Account No. 2053/59 maintained by one Shri Jaswant Singh S/o Sh. Gurdev Singh, resident of village Harpalpur by altering the amount of the withdrawal form signed and partly filled in by the account holder from Rs. 1,000 to Rs. 10,000 and by writing in words a sum of Rs. 10,000 therein. After receiving the payment, the workman handed over a sum of Rs. 1,000 to the said Sh. Jaswant Singh and pocketed the balance amount of Rs. 9,000.
- On 8-12-89, the workman fraudulently withdrew a sum of Rs. 1,700/- in the aforementioned S.B. Account by altering the figure of Rs. 700 to Rs. 1,700 on the withdrawal form partly filled in and signed by Sh. Jaswant Singh and by writing in words a sum of Rs. 1,700 therein, the workman after receiving a sum of Rs. 1,700 from the teller handed over Rs. 700 to Shri Jaswant Singh and pocketed the balance of Rs. 1,000.

The workman replied to the charge sheet and considering the reply unsatisfactory, the management ordered for an enquiry and enquiry officer after conducting the enquiry gave its report on both of the charges as well proved. The disciplinary authority on the basis of the enquiry report and after giving a show cause notice and the opportunity of personal hearing inflicted punishment of dismissal from service of the workman on 28-1-92, which gave an opportunity to the workman to raise this industrial dispute.

The workman in his statement of claims has stated that he was not afforded the proper opportunity of being heard, opportunity for cross-examination was not given, enquiry officer was not appointed as per the provisions of law and the disciplinary authority without applying its mind inflicted the punishment of dismissal. On the other hand, the management in its written statement has alleged that enquiry was conducted in a fair and reasonable procedure opportunity of being heard at every stage was given to the

workman and there was no violation of any of the rules of principle of natural justice. Both of the parties adduced their evidence as per the provisions of Industrial Disputes Act. The enquiry report and proceedings are on record. I have gone through the entire enquiry file.

First of all, I have to discuss whether the enquiry was conducted in a fair, proper and reasonable manner and whether the enquiry officer while conducting the enquiry complied with the principles of natural justice.

On careful perusal of enquiry file, it is evident that vide letter No. 2DP/Per. Dated 7-6-90 Zonal Manager, Personnel (disciplinary authority) appointed Shri B.S. Luthra as enquiry officer to enquire the matter on the charges leveled against the workman. This letter also contains the procedure to be followed by the enquiry officer while conducting the enquiry and the copy of this letter along with the copy of the charge sheet was served on the workman on 7-6-90 itself. The enquiry officer afforded full opportunity to the workman at every stage as is evident from the proceedings of enquiry held on different dates. The workman as MW-I has himself admitted that he participated on each and every hearing of the enquiry, management has produced all the witnesses in his presence and he has cross-examined all of them. No doubt, in his cross-examination, he has also stated that he made complaints against the enquiry officer to the management but of no use. But this fact of making complaint has not find place in the affidavit of the workman or in the claim statement. It has only been mentioned that the enquiry officer was not appointed by the competent authority as per the provisions of Shastri Award and Desai Award read with B. P. Settlement. Thus, this is the casual statement of the workman as in its statement he has further stated that he cannot produce the copy of any of the complaints. Thus, in absence of any such complaints, I am of the view that enquiry officer was duly and properly appointed by the disciplinary authority under the provisions of the relevant rules. The enquiry officer afforded the opportunity, as admitted by the workman, on every date hearing of enquiry. The workman cross-examined all the witnesses of the management. Thus, there seems to be no violation of principle of natural justice by the enquiry officer while conducting the enquiry and the procedure adopted by the enquiry officer in my opinion is a fair and reasonable procedure which causes no prejudice to the workman.

Now it is open for this Tribunal about the approach of the enquiry officer while proving both of the charges leveled against the workman. Both of the charges are relating to a man named as Shri Jaswant Singh who has a Saving Bank Account No. 20534/59 in the concerned branch. Shri Jaswant Singh was examined by the enquiry officer who has categorically stated how the fraud was committed with him. On two occasions he took the

assistance of the workman. On first occasion, the workman withdrew an amount of Rs. 10,000 by making alterations in withdrawal form, gave Rs. 1000 to Shri Jaswant Singh and kept Rs. 9000 for himself. Likewise, on the another occasion he withdrew 1700 in the same manner, kept Rs. 1000 for himself and give Rs. 700 only to Shri Jaswant Singh and thus, misappropriated Rs. 10,000 for his personal use. Shri Jaswant Singh was cross-examined by the workman and the opening sentence of the cross-examination is regarding the taking of loan by the workman from Shri Jaswant Singh to which Shri Jaswant Singh denied. Thus, from the cross-examination and the chief examination of Shri Jaswant Singh, it is evident that the workman admitted that he is having Rs. 10,000 of Shri Jaswant Singh but it was loan to which Shri Jaswant Singh denied. Shri Jaswant Singh in his evidence has categorically narrated how he came to know about the fraud committed with him. The witnesses of the bank, the concerned Branch Manager and the other employees having also given the evidence regarding the transaction on two occasions and most of the witnesses have specifically stated that the workman Shri Gurnam Singh was the key figure in receiving the cash and partly handed over to Shri Jaswant Singh and keep the balance with him. Thus, the enquiry officer after considering the entire material on record has rightly held both of the charges to be proved against the workman. Shri Jaswant Singh has examined thoroughly and the evidence of Jaswant Singh was well corroborated by other witnesses of the bank. Accordingly, the enquiry officer has rightly held both of the charges well proved against the work.

The enquiry officer was duly appointed. He adopted a fair and reasonable procedure for conducting enquiry. The enquiry officer also complied with the principles of natural justice and after proper scrutiny of the evidence adduced by the management before the enquiry officer, has rightly given its finding of both of the charges being well proved.

The workman was working in a financial institution and certainly he committed fraud with the customer of the bank. By such activity not only the trust of the customer in the bank is lost but the confidence of the management in the workman is also lost which is fatal for the functioning of a financial institution like the respondent. For the fraudulent act of the workman the management has rightly dismissed him from the service and accordingly, this reference is answered positively that the action of the management of State Bank of Patiala in dismissing the workman Shri Gurnam Singh Peon-cum-Fras vide their letter dated 28-1-91 was justified and the workman is not entitled to any relief. Let Central Government be informed. File be consigned.

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2571. —आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में कंस्ट्रीय सरकार डॉक्यूमेंट्स एल. के प्रबंधत्र के संबद्ध नियंत्रकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में कंस्ट्रीय सरकार आंदोलिक अधिकारण जबलपुर के पंचाट (संदर्भ सं. 13/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-08-2008 को प्राप्त हुआ था।

[सं. एल-22012/56/2001-आई.आर. (सं. एस. 11)]

अजय कुमार गौड़, डम्पक औफिसर

New Delhi, the 20th August, 2008

S.O. 2571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of Mohan Colliery of WCL, and their workmen, received by the Central Government on 20-08-2008.

[No. L-22012/56/2001-IR(CM-11)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LCR/13/07

Presiding Officer : Shri C. M. Singh

The General Secretary,
R.K.K.M.S.(INTUC),
PO: Chandamora,
Chhindwara (MP)

... Workman Union

Versus

General Manager,
WCL, Pench Area,
PO Parasia,
Distt. Chhindwara (MP)

... Management

AWARD

Passed on this 4th day of August, 2008

I. The Government of India, Ministry of Labour vide its Notification No. L-22012/56/2001-IR(CM-11) dated 24-12-2001 has referred the following dispute for adjudication by this tribunal :-

"Whether the action of the management of Kukurmunda O/c Mine of WCL, Pench Area, P.O. Parasia, Distt. Chhindwara (M.P) in not correcting the date of birth of Shri Sk. Sabbir S/o Sk. Usman as

23-8-1952 as per school documents is legal and justified? If not, to what relief he is entitled to?"

2. Vide order dated 5-8-05 passed on the ordersheet of this reference proceeding, the referenced proceeded ex parte against the workman Sk. Sabbir/Union. No statement of claim has been filed on behalf of the workman/Union.

3. The case of the management in brief is as follows. That on 2-5-87, the workman Shri Sabbir was informed his service particulars including his date of birth shown in the office record and asked for objection, if any. The workman did not file any objection. In Form-B Register and in other office records, the date of birth of the workman has been recorded as 1-10-1941. The workman has raised the present dispute in the year 2000 whereas he retired from services in the year 2001. He has raised the present dispute on the fag end of his service. The dispute was earlier raised by the workman through RKKMS Union and the matter was settled on 2-7-1991. The School Certificate is not genuine and is not a legal document. The workman stopped for challenging the date of birth entered in the various statutory registers

4. As the case proceeded ex parte against the workman/Union there is no evidence on record on behalf of the workman/Union.

5. The management in order to prove their case filed affidavit of their witness Shri Rajesh Ku. Sinha, then working as Sr. Personnel Officer in Western Coalfields Limited, Pench Area, Distt. Chhindwara.

6. I have heard Shri A. K. Shashi, Advocate for management. I have very carefully gone through the evidence on record. The case of the management is fully established and proved from the uncontested and unchallenged affidavit of their witness Shri Rajesh Ku. Sinha.

7. Therefore the reference is decided in favour of the management and against the workman Union without any order as to costs holding that the action of the management of Kukurmunda O/c Mine of WCL, Pench Area, P.O. Parasia, Distt. Chhindwara (M.P) in not correcting the date of birth of Shri Sk. Sabbir S/o Sk. Usman as 23-8-1952 as per school documents is legal and justified and consequently the workman is not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2572. —आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार गो कंस्ट्रीय सरकार डॉक्यूमेंट्स एल. के प्रबंधत्र के संबद्ध नियंत्रकों और उनके कर्मकारों के

बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ सं. 98/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-08-2008 प्राप्त हुआ था।

[सं. एल-22012/107/1997-आई.आर.(सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 98/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the management of WCL, and their workmen, which was received by the Central Government on 20-08-2008.

[No. L-22012/107/1997-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/98/98

Presiding Officer : Shri C. M. Singh

General Secretary,
K. K. M. P. (HMS),
PO: Junnardeo,
Distt. Chhindwara (MP) .. Workman/Union

Versus

The Manager,
Ghorawari Colliery of WCL,
PO Ghorawari, Kanhan Area,
Distt. Chhindwara (MP) .. Management

AWARD

Passed on this 6th day of August, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/107/97/IR(CM-II) dated 9-6-98 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Manager, Ghorawari Colliery, PO: Ghorawari, Tah. Junnardeo, Distt. Chhindwara (MP) in dismissing Sh. Mansoo S/o Adgoo, driller-cum-dresser of Ghorawari colliery of WCL, Kanhan Area from services w.e.f. 2-8-96 is legal and justified ? If not, to what relief the worker is entitled ?”

2. The case of workman Shri Mansoo/Union is as follows. That the workman had 20 years neat and clean

services. During his service period of underground mine driller, he had fallen sick and was admitted at Kanhan Area Hospital of the management and during the period of hospitalisation, he was dismissed from service on the ground of absenteesim. In the departmental enquiry, he had submitted the medical certificate for the period of his illness but the Enquiry Officer did not consider the same. The workman was not given opportunity to defend himself properly. To minimize the strength of surplus manpower, the management had adopted this illegal way of retrenchment. Absenteeism is not a major misconduct but for a minor misconduct, the punishment of dismissal is not justified and proper. The matter was brought to the notice of Nagpur Headquarter of WCL. But in reply, the management has informed the Union as follows—

“Shri Mansoo S/o Adgoo Ex-Dresser Ghorawari Colliery has crossed the age of 40 years and hence not coming in the consideration zone.” It is prayed that the workman be reinstated in service with backwages and all benefits.

3. Vide order dated 12-9-06 passed on the ordersheet of this reference proceeding, the reference proceeded ex parte against workman/Union.

4. The case of the management in brief is as follows: The workman was a regular absentee. He was given various chargesheets, warnings etc. for remaining absent from duty on various occasions. That the services of Shri Mansoo, Ex-Driller-cum-Dresser were governed by the provision of Coal Mines Regulations 1957. “As he was a competent person” he was not supposed to remain absent without prior permission/sanctioned leave. The workman should have sent sick report either to the Management/Manager or to the Medical Officer of the Colliery. The absenteeism is rampant in the Coal Mine and when the workman remains absent, the work of production of coal is adversely affected. Considering the seriousness of the misconduct, the management is bound to take serious action in the case of absenteeism. The workman absented himself from duty w.e.f. 14-7-85 to 19-7-85. When he reported for duty considering the explanation given by him, he was permitted to resume duty w.e.f. 20-7-85 by issuing him a warning letter No. 1147/85 dated 19-7-85. He was again absented from duty for the period from 28-9-85 to 15-10-85. Again a warning letter No. 1713/85 dated 15-10-85 was issued to him for the same. He again absented himself from duty from 11-2-86 to 12-2-86 without permission, intimation or sanctioned leave. Again he was issued with a warning letter. The workman again remained absent from duty w.e.f. 28-2-86 to 2-5-86. Out of the above (he was reported to be sick for a period from 7-4-86 to 19-4-86) for remaining absent, he was issued with a chargesheet dated 2-5-86. The workman submitted reply dated 16-5-86 wherein he admitted the charges levelled against him and assured the management that he will not repeat the same. Considering

the above undertaking given by the workman, a lenient view was taken against him and he was issued with a warning letter. The workman again remained absent from duty from 10-2-87 to 20-4-87 (date of issue of show cause notice). For this misconduct, he was issued with a show cause notice dated 20-4-87. On hearing the workman, the management again considered his case sympathetically and he was permitted to resume duty on issuing a warning letter. The workman again remained absent from duty w.e.f. 1-2-88 to 7-9-88. For this, he was again issued with a chargesheet dated 7-9-88. In reply, the workman admitted the charge and submitted that he couldnot come on duty due to illness of his father and uncle. The management issued a letter dated 7-9-88 to the workman stating that his reply was found unsatisfactory. A departmental enquiry was conducted against him. In the meantime, the workman was permitted to resume duty w.e.f. 9-9-88. The workman again absented from duty w.e.f. 18-7-91 to 9-10-91. For this misconduct, he was again issued with a chargesheet dated 9-10-91. The workman submitted his reply. Considering the explanation given by the workman, he was again issued with a warning letter. The workman again remained absent from duty w.e.f. 1-2-92 to 29-4-92. After considering the explanation given by the workman and with a view to grant him one more opportunity to improve himself, he was permitted to resume duty w.e.f. 2-5-92 and he was issued with a warning letter. The workman again absented himself from 28-5-93 to 25-8-93. In this manner, the workman remained absent from duty without intimation/permission or sanctioned leave several times. The workman absented himself w.e.f. 1-4-95 to 31-8-95, for this misconduct, he was issued with a chargesheet. An enquiry was conducted into the charges leveled against the workman in accordance with law. The Enquiry Officer after completing the enquiry submitted the enquiry report dated 31-10-95 holding that the charges leveled against the workman are proved. Having received the enquiry report, the management issued a letter dated 11-5-96 to the workman intimating that pending enquiry, he was permitted to resume duty but he remained absent w.e.f. 1-3-96 without intimation/permission or sanctioned leave. He was once again advised to report for duty within 3 days of the receipt of this letter. The workman neither replied to the said letter nor reported on duty. The management was left with no option but to terminate his service vide order dated 2-8-96.

5. As the case proceeded ex parte against the workman/Union, there is no evidence on record on behalf of workman/Union. The management in order to prove their case filed affidavit of their witness Shri Lajji Indulkar, then posted as Dy. Personnel Manager at Datla Sub. Area, Kanhan Area in WCL.

6. I have heard Shri A. K. Shashi, Advocate learned counsel for the management. I have very carefully gone through the evidence on record.

7. The case of the management is fully established and proved from the unchallenged and uncontested affidavit of their witness Shri Lajji Indulkar.

8. Therefore the reference is decided ex parte in favour of the management and against the Workman Union without any orders as to costs holding that the action of the Manager, Ghorawari Colliery, PO: Ghorawari, Teh. Junnardeo, Distt. Chhindwara (MP) in dismissing Sh. Mansoo S/o Adjou, driller-cum-dresser of Ghorawari Colliery of WCL, Kanhan Area from services w.e.f. 2-8-96 is legal and justified and consequently the workman is not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2573. औद्योगिक विधाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार डॉक्यू. सी.एल. के प्रबंधतात्र के संग्रह नियंत्रकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विधाद में केंद्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ सं. 39/1995) का प्रकाशित करती है, जो केंद्रीय सरकार को 20-08-2008 को प्राप्त हुआ था।

[सं. एल-22012-448-1994-आई आर (सं. 11)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2573. In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/1995) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of WCL and their workmen, which was received by the Central Government on 20-08-2008.

[No. L-22012-448-1994-IR(11)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LCR/39/95

Presiding Officer : Shri C. M. Singh

Shri Kishan, S/o. Shri Gendal,
Tub Loader,

C/o. Shri P. K. Bannerjee,
Koyla Mazdoor Sangh,
Post Chandametta,
Distt. Chhindwara (MP)

.. Workman-Union

Versus

The Manager,
Bhamori Colliery of WCL,
Pench Area,
PO Bhamori-Via-Parasia,
Distt. Chhindwara (MP)

... Management

AWARD

Passed on this 29th day of July, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012(448)/94-IR C-II dated 16-2-95 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the Manager, Bhamori Colliery of WCL, Pench Area, PO Bhamori Via Parasia, Distt. Chhindwara (M.P.) in dismissing Shri Kishan S/o Gendal T. No. 2976 Tub-loader of Bhamori Colliery of WCL, Pench Area from services w.e.f. 6-9-88 is justified ? If not, to what relief the worker is entitled to ?"

2. The case of workman in brief is as follows. That the workman Kishan was employed as tub-loader with the Bhamori Colliery, WCL, Pench Area, Parasia since 1976. Due to physical weakness, he remained absent from duty in the year 1988. Thereafter he again joined duty in the Bhamori Colliery but the management without any reason terminated his services in the year 1988, hence the reference.

3. The case of the management in brief is as follows. That workman Shri Kishan was a habitual absentee and therefore a chargesheet dated 5-7-88 was issued to him. The workman replied the chargesheet. Reply was not found satisfactory and therefore a departmental enquiry was conducted against the workman according to rules. The workman during the course of enquiry accepted his guilt. Under the above circumstances, the punishment of dismissal from service was awarded to him.

4. Vide order dated 16-1-07, the reference proceeded ex parte against the workman. As the reference proceeded ex parte against the workman, there is no evidence on behalf of the workman on record.

5. The management in order to prove their case filed affidavit of their witness Shri D. K. Chourey, then posted as Dy. Personnel Manager, WCL, Pench Area.

6. I have heard Shri A.K. Shashi, Advocate for the management. I have very carefully gone through the evidence on record.

7. The case of the management is fully established and proved from the uncontested and unchallenged affidavit of management's witness Shri D.K. Chourey. The

reference is, therefore, decided in favour of the management and against the workman without any orders as to costs holding that the action of the Manager, Bhamori Colliery of WCL, Pench Area, PO Bhamori Via Parasia, Distt. Chhindwara (M. P) in dismissing Shri Kishan S/o Gendal T. No. 2976 tub-loader of Bhamori Colliery of WCL, Pench Area from services w.e.f. 6-9-88 is justified and consequently the workman is not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार डब्ल्यू. सी.एल. के प्रबंधतात्र के सबढ़ नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकारण, जबलपुर के पंचाट (संदर्भ सं. 126/2003) को प्रकाशित करती है, जो केंद्रीय सरकार को 20-08-2008 को प्राप्त हुआ था।

[सं. एल-22012/209/2002-आईआर(सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 126/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of Western Coalfield Limited, and their workmen, which was received by the Central Government on 20-08-2008.

[No. L-22012/209/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
 JABALPUR

No. CGIT/LC/R/126/03

Presiding Officer : Shri C. M. Singh

The General Secretary,
 Bhartiya Koyalak Khadan Mazdoor Sangh (BMS),
 Vishwakarma Bhawan,
 PO. Parasia,
 Distt. Chhindwara,
 Chhindwad

Workman/Union

Versus

The Manager,
Western Coalfield Limited of Pench Area,
PO Parasia, Distt. Chhindwara,
Chhindwara

... Management

AWARD

Passed on this 7th day of August, 2008

1. The Government of India, Ministry of Labour, vide its Notification No. I-22012/209/2002-IR (CM-II) dated 11-7-2003 has referred the following dispute for adjudication by this tribunal.

"Whether the demand of the BKKMS from the management of WCL, Pench Area for regularizing Shri Rajendra Singh working in Barkui Central Hospital as Sr. Optometrist in Technical Grade-A is legal and justified? If so, to what relief is the workman entitled and from what date?"

2. Vide order dated 29-8-05 passed on the ordersheet of this reference proceeding, the reference proceeded ex parte against the workman/Union. No statement of claim has been filed on behalf of workman/Union.

3. The case of the management in brief is as follows. -- The workman/Union has claimed promotion from the post of Sr. Optometrist Technical Grade-B to the post of the Optometrist Technical Grade A. The terms of reference are vague. The terms of reference do not speak from which date the claim has been made by the workman. Workman Shri Rajendra Singh is working as Sr. Optometrist in Barkui Central Hospital in T & S Grade-B. As per cadre scheme, the zone for promotion from T & S Grade-B to T & S Grade A is consolidated according to seniority. The official designation of T & S Grade-B is senior Technical (Viscous) Optometrist. That in the instant case, the promotion order was issued at Area level in isolation and Shri Rajendra Singh was promoted as Sr. Optometrist in T & S Grade-B w.e.f. 19-1-91. That on the same date by the same authority, he was granted difference of wages of T & S Grade-A w.e.f. 1-4-1992. That the basic facts of the case are that Shri Rajendra Singh has never worked on higher grade. The issue of his promotion and sanction of difference of wages is still under enquiry and review before the Competent Authority. Any letter or order issued wrongly and inadvertently in contravention or rule cannot provide the claim to the illegally benefitted persons. That Shri Rajendra Singh has never discharged the duties of the higher category. In fact he did duties as per his designation. As already stated, the payment of difference of wages to him which has been made earlier is under examination.

4. As the case proceeded ex parte against the workman/Union there is no evidence on behalf of the workman/Union on record.

5. The management in order to prove their case filed affidavit of their witness Shri H. K. Singh, then working as Dy. Chief personnel Manager at WCL, Pench Area.

6. I have heard Shri A. K. Shashi, Advocate the learned counsel for the management and perused the evidence on record.

7. The case of the management is fully established and proved from the uncontested and unchallenged affidavit of management's witness Shri H. K. Singh.

8. In view of the above, the reference is decided in favour of the management and against the workman/Union without any orders as to costs holding that the demand of the BKKMS from the management of WCL, Pench Area for regularizing Shri Rajendra Singh working in Barkui Central Hospital as Sr. Optometrist in Technical Grade-A is not legal and justified. Consequently the workman is not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2575. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धरा 17 के अनुसार में केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधरत्व के संघर्ष नियंत्रकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण जबलपुर के पंचायत (वंदर्ध सं. 269/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार की 20-08-2008 प्राप्त हुआ था।

[सं. एल-22012/96/1999-आई.आर. (सीएम-II)]

अजय कुमार गौड़, देस्क अधिकारी

New Delhi, the 10th August, 2008

S.O. 2575. In pursuance of Section 17 of the Industrial Disputes Act, 1927(34 of 1947), the Central Government hereby publishes the award (Ref. No. 269/1999) of the Central Government's Industrial Tribunal-com-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of S.I.C.L. and their workmen, which was received by the Central Government on 20-08-2008.

[No. I-22012/96/1999-IR(CM-II)]

Versus

General Manager,
SECL, Korba Area,
P O Korba Colliery,
Tah. Korba, Distt. Bilaspur

... Management

AWARD:

Passed on this 7th day of August 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012-278/96-IR (C-II) dt. 06.07.97 has referred the following dispute for adjudication by this tribunal : -

"Whether the demand of the M.P. Koyla Mazdoor Sabha (HMS) for regularization of Sh. Ramesh Kumar and 44 other contract workers (list enclosed) engaged in the underground mines of Surakachhbar Colliery of SECL, is legal and justified? If so, to what relief are the workmen entitled and from which date?"

2. Vide order dated 11-3-05 passed on the order sheet of this reference proceeding, the reference proceeded ex parte against the workmen Union. No statement or reply has been filed on behalf of the workmen Union.

3. The case of the management in brief is as follows : The contractors Surya, Shri R.S. Kaushik and Deep Nath were given certain miscellaneous work which were neither permanent nor permanent in nature. That the execution of such miscellaneous work in U.G. such as removal of silt, construction of side wall, construction of side pillar, white washing, cleaning etc., tenders were invited from the contractors and Surya & R.S. Kaushik was awarded the work order No. 220 dated 14-2-87 for removal of silt etc. Subsequently he was given several work orders for removal of silt etc. Similarly contractor Shri Deep Nath was also awarded contract for execution of miscellaneous work in U.G. He was given the work of removal of silt side work order. The said contractor was awarded the work of whitewashing and construction of pillars and side drainage. That the aforesaid work were completed and the work completion certificate issued by the management. That the work awarded to the contractor was not the nature of miscellaneous usual work. It is the contractor who engage the labour to execute the work awarded to him. It is specifically denied that Sh. Ramesh Kumar and others were ever engaged by any of the contractor for execution of drilling and other work in respect of which is alleged by the Union. As per the notification given by the contractors engage the workers for execution of drilling and nature of work that has been a subject to trial. The workers will be paid by the contractor in the following manner. There is no illegality/irregularity in awarding in execution of work by

nature of work to the contractor. It does not amount to violation of any provision of law. The claims were not engaged by the contractors for execution of the work given to them under the contractor by the management of SECL, Korba Area.

4. As the case proceeded ex parte against the workmen/Union, there is no evidence on behalf of workmen/Union on record.

5. The management in order to prove their case filed affidavit of their witness Shri V.R.Bakshi then posted as Personnel Manager.

6. I have heard Shri A.K.Shashi, Advocate learned counsel for the management and perused the evidence on record.

7. The case of the management is fully established and proved from the uncontested and unchallenged affidavit of management's witness Shri V.R.Bakshi.

8. In view of the above, the reference is decided in favour of the management and against the workmen/Union without any orders as to costs holding that the demand of the M.P.Koyla Mazdoor Sabha (HMS) for regularization of Sh.Ramesh Kumar and 44 other contract workers (list enclosed) engaged in the underground mines of Surakachhbar Colliery of SECL is not legal and justified. Consequently the workmen are not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2577.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केंद्रीय सरकार एम.डी. सी.एल. के प्रबंधतात्रे के संबंध नियंत्रकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केंद्रीय सरकार आंदोलिक अधिकरण, जबलपुर के पर्याप्त (यद्यपि सं. 119/1995) को प्रकाशित करते हैं, जो केंद्रीय सरकार को 20-08-2008 को प्राप्त हुआ था।

[सं. एन-22012-6/1995-आई आए(सौ-II)]

श्री अजय कुमार गोड, डैस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 119, 1995) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SECL, and their workmen, which was received by the Central Government on 20-08-2008.

[No. 1-22012-6/1995-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/119/95

Presiding Officer : Shri C. M. Singh

The President
M.P.K.M.S (HMS),
Nawin Nagar,
Post. Amlai Colliery,
Distt. Shahdol (MP)

... Workman/Union

Versus

Sub Area Manager,
Chachai and Rungta Group,
Post Amlai Colliery,
Distt. Shahdol (MP)

... Management

AWARD

Passed on this 5th day of August-2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/6/95-IR (C-II) dated 22-6-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Sub Area Manager, Chachai & Rungta Group of Mines of SECL Sohagpur Area of SECL in dismissing Shri Manohar S/o Bahira, T. No. 844, Viveknagar incline w.e.f. 23-9-1992 is legal and justified? If not, to what relief the workman is entitled?”

2. Vide order dated 4-5-06 passed on the ordersheet of this reference proceeding, the reference proceeded ex parte against the workmen Shri Manohar/union. No statement of claim has been filed on behalf of the workman/union.

3. The case of the management in brief is that workman Shri Manohar was initially appointed as General Mazdoor w.e.f. 4-10-1976. He was a habitual absentee. He was cautioned for his poor attendance and was advised to improve his conduct but he did not show any improvement. The attendance particulars of workman in the year 1989 is only 74 days. He has attended 56 days in the year 1990. He has put 74 days attendance in the year 1991. Due to aforesaid poor attendance and habitual absenteeism without intimation and sanctioned leave, the management was compelled to take disciplinary action against him. The workman was issued with a chargesheet under clause 26.24 of the certified standing orders. The reply submitted by the workman dated 14-5-92 was not found satisfactory. A departmental enquiry was conducted against the workman properly and legally. The Enquiry Officer submitted his report before the Competent Authority holding that the charges are proved against the

workman. On the basis of findings submitted by Enquiry Officer, proposal was put up by the Colliery Manager for initiating punishment before the Competent Authority i.e. for dismissal from service which was approved by the Competent Authority. That workman Shri Manohar was dismissed from the services of the company vide letter dated 23-9-92. The workman submitted a mercy appeal to the management. On the ground of mercy, the workman was offered re-employment and he was posted at Jamuna & Kotma Area but he was reluctant to resume his duties. At this stage, he submitted his resignation.

4. As the reference proceeded ex parte against the workman/union, there is no evidence on behalf of the workman/union on record.

5. The management in order to prove their case filed affidavit of their witness Shri K. A. Sunder, then posted as Dy. Personnel Manager in Amlai & Bangwar Sub Area.

6. I have heard Shri A.K.Shashi, Advocate learned counsel for the management. I have very carefully gone through the evidence on record.

7. The case of the management is fully established and proved from the uncontested and unchallenged affidavit of their witness Shri K.A.Sunder. Therefore the reference is decided in favour of the management and against the workman/union without any orders as to costs holding that the action of the Sub-Area Manager, Chachai & Rungta Group of Mines of SECL, Sohagpur Area of SECL in dismissing Shri Manohar S/o Bahira, T.No.844, Viveknagar incline w.e.f. 23-9-1992 is legal and justified and consequently the workman is not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को पारा 17 के अनुसार में केन्द्रीय सरकार एस.ई.सी.एल. को प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ सं. 115/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-08-2008 को प्राप्त हुआ था।

[सं. एल-22015/13/1991-आई.आर.(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/1996) of the Central Government Industrial Tribunal-cum-Labour Court,

Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL, and their workmen, which was received by the Central Government on 20-08-2008.

[No.1-22015/13/1991-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/1.C/R/115/96

Presiding Officer : Shri C. M. Singh

Smt. Anjan,
Dafai, Chirimiri,
Prathamik Paathshala ke sameep,
Chirimiri,
Distt. Surguja (MP)

... Workman-Union

Versus

Dy. General Manager,
SECL, Chirimiri colliery,
Post Chirimiri,
Distt. Surguja (MP)

... Management

AWARD

Passed on this 31st day of July, 2008

1. The Government of India, Ministry of Labour vide its Notification No 1-22015/13/91-IR(C-II) dated 25-4-96 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of SECL, Chirimiri Colliery in retrenching Sh. Anjan from service is legal and justified? If not, what relief the concerned workman is entitled to?"

2. The case of legal heir of deceased workman Smt. Anjan in brief is as follows. That Shri Anjan was in the employment of SECL, Chirimiri colliery, Distt. Surguja, MP. That to his surprise, it was informed that he will be retiring from service on 1-7-89. His date of birth as shown in the school certificate is 17-7-35. The age of retirement in the colliery is 60 years and thus workman Shri Anjan would have completed 60 years only on 17-7-1995 and therefore he is entitled to continue in service till 17-7-95 but he was illegally retired on 1-7-1989. That the workman met with authorities and submitted copies of documents as proof of his date of birth but the management did not consider the same. When the management refused to decide his age, he filed petition before the Hon'ble High Court. The Hon'ble High Court in the petition M.P. No 3358/89 directed that the matter be decided by Age Determination Committee. The School Certificate should have been considered by the Age Determination Committee. That there was no record with the management to show that

the age of the workman was other than 17-7-1935. That no reasons have been given by the Age Determination Committee and the management for rejecting the documents of the workman. The action of the management is unjust, unfair and illegal. It is, therefore, prayed that the reference be decided in favour of the legal heirs of the deceased workman and against the management.

3. The case of the management in brief is as follows. That the workman has claimed his date of birth as 17-7-1935, whereas as per the record being maintained by the management of SECL, Chirimiri Colliery, the date of birth of workman has been recorded as 1-7-1989. The age of retirement of the employees of the Coal India is 60 years. Therefore prior to attaining the age of 60 years, workman was issued with retirement notice dated 31-12-1988. That on attaining the age of retirement, workman stood retired w.e.f. 1-7-1989. That according to Form-B register, workman's date of birth is 1-7-1929. The workman was served with a copy of service excerpts wherein the date of birth of the deceased workman has been recorded as 1-7-929. The deceased workman did not raise any objection on receipt of notice. On receipt of the order of Hon'ble High Court, the management referred the case of the workman to the Age Determination Committee for determination of the age of the workman. After considering the case of the workman as well as the statutory record, the Age Determination Committee has come to the conclusion that the date of birth recorded in Form-B Register as 1-7-1929 is correct. In view of the above, the reference order deserves to be decided in favour of the management and against the workman.

4. Vide order dated 15-12-05, the case proceeded ex parte against the workman. As the case proceeded ex parte against legal heir of workman, there is no evidence on record on behalf of the legal heir of the workman.

5. The management in order to prove their case filed affidavit of their witness Shri Brij Mohan Rao, then working as Personnel Manager.

6. The case of management is fully established and proved from the uncontested and unchallenged affidavit of management's witness Shri Brijmohan Rao. The reference, is therefore, decided in favour of the management and against the legal heir of the workman without any orders as to costs holding that the action of the management of SECL, Chirimiri Colliery in retrenching Sh. Anjan from service is legal and justified and consequently the legal heir of the workman is not entitled to any relief.

7. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दी बैंक ऑफ रेजस्ट्रान लि. प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ सं. 70/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-2008 को प्राप्त हुआ था।

[सं. एल-12012/175/1994-आई.आर.(बी-३)]
बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 20th August, 2008

S.O. 2579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/1995) of the Central Government Industrial Tribunal-cum-Labour Court Jaipur as shown in the Annexure, in the Industrial dispute between the management of The Bank of Rajasthan Ltd., and their workmen, received by the Central Government on 20-8-2008.

[No. L-12012/175/1994-IR(B-3)]
B. K. MANCHANDA, Section Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी. आई.टी. 70/95

रैफैरेंस: केन्द्र सरकार, भ्रम भ्रातालय, नई दिल्ली का आदेश क्रमांक एल-12012/175/94-आई.आर.(बी.३) दिनांक 22-11-1995
श्री विनोद कुमार जैन पुत्र श्री गर्दन लाल, प्लाट नं. 31/71-03
कारण पथ, मानसरोवर, जयपुर।

—प्रार्थी

बनाम

दी असिस्टेंट जनरल मेनेजर, दी बैंक ऑफ राजस्थान लि. सी-३,
सरदार पटेल मार्ग, सौ-स्कोम, जयपुर।

—अप्रार्थीगण

उपस्थित

पीढ़ासीन अधिकारी: श्री गौतम प्रकाश शर्मा, आर. एच. जे. एस.
प्रार्थी की ओर से : श्री कुणाल रावत
अप्रार्थी की ओर से : श्री आलोक फतहपुरिया

दिनांक अवार्ड : 22-7-2008

अखार्ड

1. केन्द्र सरकार, भ्रम भ्रातालय, नई दिल्ली ने उपरोक्त अधिसूचना के जरूरे इस आशय का विवाद इस न्यायाधिकरण को अधिनियम हेतु निर्देशित किया है कि “Whether the action of the

management of the Bank of Rajasthan Ltd. is justified in terminating the services of Shri Vinod Kumar Jain Peon & Farrash w.c.f. 21-10-86? If not, to what relief the workman is entitled to and from what date?”

2. विवाद जो ऐजा गया उसके संबंध में प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम पेश हुआ कि उसकी नियुक्ति 10-1-85 से 10-3-85 के लिए अप्रार्थी बैंक में की गई थी। उसके बाद अन्य आदेशों से प्रार्थी की अवधि समय-समय पर बढ़ाई जाती रही, इस तरह से पार्थी श्रमिक ने अप्रार्थी संस्थान में जनवरी, 1985 से अक्टूबर 1986 तक लगातार कार्य किया किन्तु अचानक ही अप्रार्थी संस्थान द्वारा 21-10-83 को मौखिक आदेश से प्रार्थी को सेवा से हटा दिया। प्रार्थी को यह आश्वासन अवश्य दिया कि उसे बापस सेवा में रखा जायेगा, इस आश्वासन के कारण प्रार्थी श्रमिक इन्तजार करता रहा लेकिन उसे कोई नौकरी नहीं दी गई। एक शिकायत इस संबंध में सहायक श्रम आयुक्त(केन्द्रीय) को प्रस्तुत की गई जिसपर अप्रार्थी को समझौता बाती हेतु आमत्रित किया गया लेकिन कोई समझौता नहीं होने से उपरोक्त विवाद ऐजा गया है। इसमें प्रार्थी श्रमिक ने अपनी सेवा मुक्ति अनुचित व गैर कानूनी बताते हुए दर्शाया है कि उसने अप्रार्थी संस्थान में लगातार 240 दिन से अधिक दिनों तक कार्य किया एवं प्रार्थी श्रमिक की सेवा मुक्ति से पूर्व औद्योगिक विवाद अधिनियम 1947 (जो आगे इस निर्णय में मात्र अधिनियम लिखा जायेगा) की धारा 25-एफ की पालना नहीं की गई। प्रार्थी को न तो कोई आरोप पत्र दिया गया न ही कोई जांच की गई। प्रार्थी जो कार्य करता था वह स्थाई प्रकृति का था एवं उसे स्थाई करने के स्थान पर सेवा मुक्ति करना अनफेयर लेवर प्रेक्टिस की परिभाषा में आता है। प्रार्थी को एक भाग का नोटिस बेतन भी नहीं दिया गया तथा अप्रार्थी संस्थान ने अधिनियम के नियम 77 व 78 की पालना भी नहीं की है। प्रार्थी से कनिष्ठ एवं प्रार्थी की सेवा समाप्ति के बाद कई व्यक्तियों को नौकरी पर रखा गया है किन्तु प्रार्थी को यह अवसर नहीं दिया गया है अतः सेवा समाप्ति आदेश दिनांक 21-10-86 गत व अवैध है जो गत व अवैध घोषित किया जावे।

3. अप्रार्थी बैंक की ओर से जवाब पेश हुआ। आर्थिक आपत्तियों में बताया कि प्रार्थी की नियुक्ति 10-1-85 से 30-3-85 तक की गई थी एवं दिनांक 30-3-85 को ही उसकी सेवा स्वतः समाप्त हो गई। प्रार्थी की ओर से यह विवाद 8 वर्ष बाद लाया गया है जिसका कोई संतोषप्रद कारण नहीं दर्शाया गया है अतः रैफैरेंस मात्र इसी आधार पर खारिज होने योग्य है। दूसरा रैतराज यह रहा है कि प्रार्थी को एक निश्चित अवधि के लिए नियुक्ति दी गई थी, उक्त अवधि के समाप्त होने पर उसकी सेवा स्वतः ही समाप्त हो जाती है अतः धारा 2(00) (बीबी) अधिनियम के अनुसार प्रार्थी को रैफैरेंस चलने योग्य नहीं है।

4. मदवार उत्तर प्रस्तुत करते हुए बताया कि प्रार्थी की नियुक्ति किसी स्थाई पद पर एवं किसी भी तरह की चयन प्रक्रिया अपनाये बिना मात्र 10-1-85 से 10-3-85 तक ही की गई थी। इस तरह से प्रार्थी ने सेवा समाप्ति के एक वर्ष पूर्व की अवधि में निस्तर रूप से 240 दिन कार्य किया, यह सिद्ध नहीं है अतः धारा 25-एफ अधिनियम

का फायदा प्रार्थी को नहीं पिल सकता एवं प्रार्थी के अन्य जो कथन रहे हैं उन सभी को आस्तीकार किया गया है। साक्ष्य में प्रार्थी परीक्षित हुआ एवं बैंक की ओर से श्री मूलचंद जैन के बयान हुए।

5. बहस सुनी। प्रतिनिधि प्रार्थी की बहस है कि प्रार्थी ने अपना कथन स्टेटमेंट ऑफ ब्लेप में विस्तार से दर्शाया है एवं साक्ष्य में प्रार्थी स्वयं परीक्षित हुआ है। प्रार्थी के कथनों के अनुसार उसने 240 दिन से अधिक कार्य किया एवं वह कार्य स्थाई प्रकृति का था। उसके शपथ पत्र में यह भी आया है कि पारस कुमार जैन व मोहन लाल शर्मा जो उसके साथ सेवा से हटाये गये थे उन्हें तो वापस नौकरी में ले लिया एवं रेग्युलर भी कर दिया गया है तथा उससे कनिष्ठ श्रमिक आज भी संस्थान में कार्यरत हैं। इस तरह से उनकी बहस है कि भारा 25-एफ के प्रावधानों के अनुसार उसे कोई नोटिस बेतन नहीं दिया गया, भरा 25-जी व एच की पालना भी नहीं की गई है।

6. अप्रार्थी ने अपनी बहस में बताया कि प्रार्थी ने सेवा समाप्ति की तिथि से पिछले एक वर्ष में लगातार 240 दिन कार्य किया, इस तथ्य को सिद्ध करने का भार प्रार्थी पर था किन्तु प्रार्थी की ओर से कोई साक्ष्य पेश नहीं हुई है। प्रार्थी की नियुक्ति प्रदर्श एम-1 से की गई थी जो 60 दिन के लिए थी। फिर उसकी नियुक्ति 20 दिन के लिए अर्थात् 30-3-85 तक बढ़ाई गई थी। इस तरह से प्रार्थी ने विष्वक्षी बैंक में मात्र 80 दिन ही कार्य किया है अतः प्रार्थी के मामले में भारा 35-एफ अधिनियम लागू नहीं होती। प्रदर्श एम-1 को देखने से प्रार्थी की नियुक्ति अस्थाई थी एवं अस्थाई नियुक्ति जो एक निश्चित अवधि के लिए एवं निश्चित बेतन पर की गई थी एवं उक्त अवधि समाप्त होने पर उसका नियुक्ति आदेश स्वतः हो समाप्त हो जाता है। उनको आगे बहस है कि प्रार्थी ने अपनी जिहद में स्वीकार किया है कि उसकी नियुक्ति किसी विज्ञापन के आधार पर अधिकार कोई साक्षात्कार लेकर नहीं की गई थी तथा यह भी स्वीकार किया है कि वर्ष 1986 में आवेदन स्थाई नियुक्ति हेतु लिये गये थे, प्रार्थी ने भी आवेदन किया, उसे साक्षात्कार के लिए भी बुलाया गया लेकिन उसका चयन नहीं हुआ। उनकी आगे बहस है कि सेवा समाप्ति वर्ष 1986 में को भई है एवं विवाद वर्ष 1985 में अर्थात् 5 बर्दे बाद लाया गया है जिसके भी कोई कारण नहीं बताया गया है।

7. मैंने बहस पर गौर किया। प्रार्थी ने सेवा समाप्ति से पूर्व एक वर्ष में निरन्तर 240 दिन कार्य किया, इस तथ्य को सिद्ध करने का भार प्रार्थी पर था किन्तु प्रार्थी श्रमिक की ओर से ऐसी कोई साक्ष्य पेश नहीं हुई है। इसके विपरीत प्रदर्श एम-1 व एम-2 को देखने से प्रार्थी श्रमिक ने अप्रार्थी बैंक में 10-1-85 से 30-3-85 तक हो जाये किया जो अवधि 240 दिन नहीं होती। प्रदर्श एम-1 को देखने में उसकी नियुक्ति नियान्त्रित अस्थाई एवं एक निश्चित अवधि के लिए की गई थी। अस्थाई कर्मचारियों की कोई विरिच्छा सूची विष्वक्षी बैंक में रखी जाती थी, ऐसा प्रार्थी का कथन नहीं है। जब तक यह रिच्ड नहीं हो जाये कि विरिच्छा सूची थी तब तक विरिच्छा सूची जारी रही रखने का आधार उचित नहीं है। भारा 25-एच अधिनियम के उल्लंघन के संबंध में भी कोई विश्वसनीय साक्ष्य प्रार्थी की ओर से पेश नहीं हुई है। पारस कुमार जैन व मोहन लाल को पुनः नौकरी पर लेने का चयन है लेकिन उनका कोई नियुक्ति पत्र पेश नहीं हुआ है न हो तो साक्ष्य के

लिए पेश हुए प्रार्थी को नियुक्ति निश्चित अवधि व निश्चित बेतन पर की गई थी अतः भारा 2(00) (वारो) के अन्तर्गत प्रार्थी का मामला छंटनी का नहीं रह जाता है। रेफरेंस भी चर्चे 1986 के बाद वर्ष 1995 में लाया गया है। इन सब कारणों से प्रार्थी का कलंग स्वीकार होने योग्य नहीं है अतः भारत सरकार द्वारा भेजे गये रेफरेंस का उत्तर निष्प्रकार दिया जाता है :

“बैंक ऑफ राजस्थान लि. के प्रबंधन द्वारा श्री बिनोद कुमार जैन, पीओन-फर्मां की सेवाएँ 15 दिनोंके 21-10-86 से समाप्त किये जाने की कार्यवाही उचित एवं वैय है। प्रार्थी किसी अनुतोष का अधिकारी नहीं है।”

5. अवार्ड आज दिनांक 22-7-2008 को खुले न्यायालय में लिखया जाकर सुनाया गया जो केंद्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

गीतपा शक्ति शर्मा, पीडीसीन अधिकारी

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2580. औद्योगिक विवाद अधिकारी, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार दी बैंक ऑफ राजस्थान लि. प्रबंधतांत्र के संबंध नियंत्रकों और उनके कर्मकारों के बीच अनुबन्ध में स्थिरित औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट (संख्या सं. 08/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार द्वारा 20-8-2008 प्राप्त हुआ था :

[सं. एल. 12012/280/2003-आईआर(चो-1)]

वी. अ. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 20th August, 2008

S.O. 2580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 08-2004) of Industrial Tribunal-cum-Labour Court, Jodhpur as shown in the Annexure, in the Industrial dispute between the management of The Bank of Rajasthan Ltd. and their workmen, received by the Central Government on 20-8-2008.

[No. 1-12012/280/2003-IR(B-1)]
B. K. MANCHANDA, Section Officer

अनुबन्ध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर पीडीसीन अधिकारी :- श्री पृष्ठन्दु भिंड हाड़ा, आर.एच.जे.1934 औद्योगिक विवाद (केन्द्रीय) संख्या : 8/2004 श्री शपअबलार अडवाना पार्कत प्रेसिडेंट राजस्थान सरकार बैंक वर्कर्स आर्योनार्टजरन एस. वी. बी. जे. मणिधया रोड ब्रैंच पानी गांगड़।

प्रार्थी

विवाद

1. सहभागी महाप्रबन्धक, दी बैंक ऑफ राजस्थान लि. केन्द्रीय कार्यालय, चौपासनी रोड बोम्बे मोटर्स चॉपड़, जोधपुर।

2. प्रबन्ध निदेशक, दी बैंक ऑफ राजस्थान लि. प्रबन्ध निदेशक, केन्द्रीय कार्यालय सी-3, सरदार पटेल मार्ग, सी स्कोप, जयपुर ।

—अप्रार्थीगण

रेफरेन्स अन्वेगत धारा 10 औद्योगिक विवाद अधिनियम,
1947

उपस्थित :-

- (1) प्रार्थी प्रतिनिधि श्री ललित शर्मा उप. 1
- (2) अप्रार्थी प्रतिनिधि श्री ओमसिंह सीनोयर प्रसंनल मैनेजर डप. 1

अवार्ड

दिनांक 12-06-2008

1. भारत सरकार ने अपनी अधिसूचना क्रमांक एल-41012/280/2003 (आई.आर.बी.-1) दिनांक 22 अप्रैल, 2004 के तहत निम्न विवाद अन्वेगत धारा 10 औद्योगिक विवाद, अधिनियम, 1947 इस न्यायालय को रेफर किया है।

“क्या नियोजक प्रबन्ध निदेशक दी बैंक ऑफ राजस्थान लि. केन्द्रीय कार्यालय, जयपुर एवं सहायक महाप्रबन्धक, दी बैंक ऑफ राजस्थान लि., क्षेत्रीय कार्यालय, जोधपुर द्वारा अपने कर्मकार श्री राम अवतार अग्रवाल निलम्बित मुख्य खजांची को निलम्बन काल में प्रस्तुत आवेदन पत्र दिनांक 8-4-2003 पर त्वारीहार अग्रिम रूप स्वीकृत नहीं किया जाना उचित एवं वैध है? यदि नहीं तो कर्मकार अपने नियोजक से क्या राहत पाने का अधिकारी है?”

2. उक्त रेफरेन्स इस न्यायालय में प्राप्त होने पर दिनांक 25-5-2004 को दर्ज रजिस्टर किया जाकर पक्षकारों को नोटिस जारी किये गये। प्रार्थी को ओर से मांग-पत्र प्रस्तुत किया जिसका अप्रार्थी की ओर से जवाब पेश किया तथा प्रार्थी ने मांग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया तथा अप्रार्थी की ओर से ओमसिंह का शपथ-पत्र प्रस्तुत किया गया वह यह प्रत्यावर्ती वास्ते जिरह प्रार्थी हेतु नियत है। आज प्रार्थी की ओर से एक प्रार्थना-पत्र इस आशय का प्रस्तुत किया गया है कि उसके बीच अप्रार्थी बैंक के मध्य समझौता दिनांक 7-6-2008 को हो गया है अब उसका कोई विवाद शेष नहीं रहा है वह इस विवाद को लोक अदालत को भावना से आगे चलाना नहीं चाहता है। अतः इस प्रकरण में नो डिस्प्युट अवार्ड परित किया जावे।

3. चूंकि प्रार्थी व अप्रार्थी के मध्य लोक अदालत को भावना से समझौता हो चुका है तथा प्रार्थी ने विवाद को समझौते के माध्यम से तय कर लिया है और उसका अप्रार्थी में किसी प्रकार का विवाद शेष नहीं रहा है अतः अब वह इस प्रकरण को आगे चलाना नहीं चाहता है फलस्वरूप इस प्रकरण में नो डिस्प्युट अवार्ड परित किया जाता है।

4. इस अवार्ड को प्रकाशनार्थ भारत सरकार को प्रेषित किया जावे।

5. यह अवार्ड आज दिनांक 12-6-2008 को खुले न्यायालय में सुनाया गया।

मुख्यन्द सिंह हाड़ा, न्यायाधीश

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबन्धतात्री के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ सं. 08/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-2008 को प्राप्त हुआ था।

[सं. एल-41012/221/1995-आई.आर.(बी.-II)]
बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 20th August, 2008

S.O. 2581.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 08/1997) of the Central Government Industrial Tribunal-cum-Labour Court Jaipur as shown in the Annexure, in the Industrial dispute between the management of Western Railway, and their workmen, received by the Central Government on 20-8-2008.

[No. L-41012/221/1995-IR(B-II)]
B. K. MANCHANADA, Section Officer
अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सं. आई. टी. 08/1997

रैफरेंस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल-41012/221/95-आई.आर.(बी.-II) दिनांक 28-1-1997

श्री मणी शंकर शर्मा आत्मज श्री मालीराम जी शर्मा, मालियों की गली, लाल सिंह जी का डेरा, स्टेशन रोड, सीकर।

—प्रार्थी

बनाम

1. यूनियन ऑफ इंडिया जरिये जनरल मैनेजर, पश्चिमी रेलवे, चर्चेट, बम्बई।

2. डिवीजनल रेलवे मैनेजर, पश्चिमी रेलवे, जयपुर।

3. वरिष्ठ मंडल यात्रिक इंजीनियर (स्थापना) पश्चिमी रेलवे, जयपुर।

4. सहायक यात्रिक इंजीनियर (प्रथम) पश्चिमी रेलवे, जयपुर।

—अप्रार्थीगण

उपस्थित

पीडीसीन अधिकारी: श्री गंगावत प्रकाश शर्मा, आर. एच. जे. एस.

प्रार्थी की ओर से : श्री सुरेन्द्र सिंह

अप्रार्थी की ओर से : श्री बी. एस. बरार

दिनांक : 30-5-2008

अखाइ

1. भारत सरकार, के ब्रह्म रमालय, की अज्ञा क्रमांक 41012/221/95 दिनांक 28-1-97 से निम्न अनुसूची का विवाद "Whether the action of the management of Western Railway, Jaipur is justified in terminating the services of workman Shri Manishankar Sharma w.e.f. 18-5-94 (AN) after completing continuous service w.e.f. 16-10-82 to 18-5-94. If not to what relief the workman is entitled and from what date" अधिनियम हेतु इस अधिकरण को प्राप्त हआ है।

2. प्रार्थी श्रमिक की ओर से स्टंटमैट ऑफ ब्लैप पेश हुआ
जिसके अनुसार तथा इस तरह से है कि प्रार्थी को कार्यालय आदेश
दिसांक 14-10-82 से अस्थाई रूप से कैरेज ब्लैनर के पद पर
चैतनपाल 196-232 में नियुक्त दी गई। उसे दिसांक 24-2-89 को
चैटिंग ब्लैनर के बेटगमान 775-1025 पर तर्दी पदबोली दी गई।
प्रार्थी के द्वितीय मालीराम शर्मा अप्रार्थी रेलवे में इलैक्ट्रिक फिटर के पद
पर कार्यरत थे जिन्हें दिसांक 31-12-82 से, उनके स्वास्थ्य के आधार
पर अनुप्रवृत्त थांडे हुए सेवा निवृत कर दिया जिसके संबंध में
की मालीराम द्वारा केंद्रीय प्रशासनिक अधिकरण, जोधपुर बैच में बाद
पेश किया जो जग्नपुर बैच को स्थानान्तरित कर दिया एवं उक्त बाद
सं. 15367/46 का निर्णय श्री माली राम के पक्ष में हुआ। उक्त निर्णय
के पश्चात् अप्रार्थी रेलवे प्रशासन ने रिट्यु आविका सं. 21-89 पेश की
जो खारिज हो गई। केंद्रीय प्रशासनिक अधिकरण ने अपने तिर्यक से
पालीगम को विकल्पिक कार्य हेतु नियुक्ति देने के लिए निर्देशित किया
जिसके आधार पर मालीराम को पुनः सेवा में लिया गया। आगे कथन
किया कि प्रार्थी को येत्रा इस आधार पर समाप्त की गई कि उसे
पालीगम जो अस्वस्थ हो गये थे, के स्थान पर करुणा के आधार पर
नियुक्ति दी गई एवं चूंकि मालीराम पुनः सेवा में आ पये थे अतः प्रार्थी
ने संवा 15367/46 का दी दूर्घटना घटाया कि नियुक्ति
पर्याप्त नहीं थी एवं रूप से हुई थी न कि उसके पिता के स्थान
पर करुणा के अधार पर दी दूर्घटना घटाया कि प्रार्थी को सेवा
न्यायिक रूप से दूर्घटना आदित्य अवश्य एक माह का बंदन ये उठनों का
मुक्तालया दर्ता दिया जाया। प्रार्थी की सेवा अवैध व अनुचित रूप से
सम्पन्न भी मही है इसके बावेद्य घोषित किया जावे एवं प्रार्थी को पुनः
सेवा में लिया जाये।

३. काम के जलव में अप्रार्थी ने घताया किया कि प्रार्थी के लिए वही पर्याप्त विद्युत फिटर के पद पर थे किन्तु उन्होंने अपना विद्युत लोन ले एवं चिकित्सा की आधार पर ३१-३-४२ को देवा भिक्षुत हो अब उन्होंने स्थान पर कहणामूलक अधर पर जो भारी व्युत्पन्न अपन पुरुष प्रार्थी को जांकी में रखने का निवेदन किया जो मान्यताएँ अधोते पर लोकप्र किया गया। प्रार्थी को नियुक्ति के भूमिका में स्थित पद के लिए कोई विज्ञापन जारी नहीं किया गया न ही कोई अन्य आवेदन आमंत्रित किये गये बल्कि प्रार्थी को नियान्त्रित करने में कहणामूलक आधार पर उम्मेद पिता के स्थान पर लिया गया है। युवक उम्मेद पिता चाहे ... जांकी में रख लिया तब प्रार्थी की सेवा

कार्यालय आदेश प्रदर्श डॉक्यू-५ के द्वारा सुना गया गया है। प्रार्थी का यह कथन कि उसकी नियुक्ति स्वतंत्र आधार पर कि गई, जो नहीं माना गया एवं उसकी संतुलिता को उचित भूमिका देना चाहिए हुए बलेम खारिज होने से गंव दिया गया।

4. कल्पेम के समर्थन में प्रधार्थी ने स्वयं के वयान करवाये तथा अप्रार्थी को आंतर से श्री जी. एन. मोगा के वयान करवाये गये। बहस सुनी, पत्रावली का अवलोकन किया।

5. प्रार्थी प्रतिनिधि ने अपनी बहस में बही आधार रखे हैं जो आधार कलेम में लिये गये हैं एवं उताया कि करुणामूलक आधार के संबंध में अप्रार्थी की ओर मे कोई साक्ष्य पेश नहीं हुई है। तो वैसा कि अप्रार्थी ने अपने जवाब में उताया कि प्रार्थी के संबंध में उसके पिता द्वारा आवेदन प्रस्तुत किया, उक्त आवेदन प्रस्तुत नहीं हुआ है और न ही आरेस प्रदर्श डब्ल्यू-१ में इस भास्य का उल्लेख है कि प्रार्थी को नियुक्ति करुणामूलक आधारों पर उसके पिता के स्थान पर भी गई है। उनकी बहस है कि प्रार्थी के पिता की ओर ये जो वाद केंद्रीय प्रशासनिक अधिकरण में लाया गया उक्त वाद धैं अप्रार्थी को ओर से ऐसा कोई अभिवचन नहीं लिया गया है कि प्रार्थी जो वाद चलने योग्य नहीं है क्योंकि प्रार्थी (माली राम) ने अपने स्वयंस्वयं के अधार पर सेवा निष्पत्ति ले ली थी एवं भाली राम के आवेदन पर उसके पुत्र को करुणामूलक नियुक्ति दी गई है। उनकी बहस है कि प्रशासनिक अधिकरण के निर्णय के संबंध में एक प्रियू याचिका प्रस्तुत हुई। उक्त प्रियू याचिका में अप्रार्थी की ओर से यह कथन किया गया कि श्री माली राम के स्थान पर उसके पुत्र को सेवा में लिया गया है अतः मूल निर्णय पर पुनः विचार किया जाये, लेकिन अप्रार्थी भी ओर से ऐसा उक्त प्रियू आवेदन को भी अस्वीकार कर दिया गया। इसमें भी यह आधार उताया कि अप्रार्थी ने माली राम उन लालं गयं वाद में इन तथ्यों का समावेश नहीं किया और नहीं करन कि कोई कालांग भी गही जाया। प्रार्थी प्रतिनिधि को आग बहस है कि प्रार्थी की प्रीर से जो जवाब नोटिस प्रदर्श डब्ल्यू-५ का दिया उसमें भी अपनी नियुक्ति स्वतंत्र रूप से दिया जाना वायाया। इस तरह ये प्रार्थी प्रतिनिधि की बहस है कि प्रार्थी को जो भेत्र प्रूफित की गई है वह अनुचित व अवैध है व मनमाने तरीके से की नहीं है जिसे अपास्त किया जाने।

2004 (3) पेज 65 (राजस्थान) सुनील सिंह चारण विरुद्ध सी.एम.डी अजमेर विद्युत वितरण निगम लि. अजमेर आदि पेश किया।

7. मैंने बहस पर गौर किया। जहाँ तक मणी शंकर की नियुक्ति आदेश दिनांक 14-10-82 से हुई एवं उसकी सेवा समाप्ति के आदेश दिनांक 18-5-94 तक प्रार्थी मणी शंकर अप्रार्थी रेलवे में कार्बरत रहा तथा उसके पिता श्री माली राम की पुनः नियुक्ति केंद्रीय प्रशासनिक अधिकरण के आदेश की अनुशासना में बैंकलिपक पद पर की गई, वे तथ्य विवाद गई हैं। इस रैकरेंस के निर्णय हेतु निम्न विन्दु ही महत्वपूर्ण एवं तथ्य करने हेतु हैं:-

1. क्या मणी शंकर की नियुक्ति उसके पिता के स्वास्थ्य सही नहीं होने से उसके पिता के स्थान पर करुणामूलक आधार पर की गई अथवा स्वतंत्र रूप से की गई?

2. क्या जब माली राम को पुनः सेवा में ले लिया गया एवं उसके उपरान्त प्रार्थी श्री मणी शंकर को सेवा भुक्त कर दिया जाना उचित एवं वैध है?

8. प्रार्थी की ओर से अपने स्टेटमेंट ऑफ बलेम में कहा गया है कि उसकी नियुक्ति 14-10-82 को अस्थाई रूप से कैरेज बलीनर के पद पर की गई थी। आदेश प्रदर्श डब्ल्यू-1 होना बताया। अपने बलेम में प्रार्थी अधिक ने अपने पिता श्री माली राम संबंधी तथ्य भी प्रकट किये हैं। क्षेत्र में आगे बताया कि उसकी नियुक्ति उसके पिता के एकज में नहीं की गई बल्कि स्वतंत्र रूप से की गई है। यदि उसकी नियुक्ति उसके पिता के स्थान पर एवं करुणामूलक आधार पर की जाती तो जो याचिका उसके पिता की ओर से केंद्रीय प्रशासनिक अधिकरण में दायर की गई उसमें अप्रार्थी यह तथ्य अवश्य प्रकट करते जबकि उक्त कार्यवाही में अप्रार्थी की ओर से इस संबंध में एक भी शब्द नहीं कहा गया है। फिर एक रिक्वी याचिका अप्रार्थी विभाग की ओर से पेश हुई जिसमें इस आधार पर केंद्रीय प्रशासनिक अधिकरण को डनके आदेश को रिक्वी कराना चाहा कि माली राम के स्थान पर उसके पुत्र को नियुक्ति दे दी गई है, अतः प्रशासनिक अधिकरण अपने निर्णय दिनांक 4-4-89 पर पुनर्विचार करे, उक्त रिक्वी पिटोशन भी अल्पीकार हुई है। प्रार्थी की ओर से स्वतंत्र रूप से नियुक्ति के संबंध में इस नियुक्ति हेतु कोई विज्ञप्ति अप्रार्थी की ओर से जारी हुई हो, नहीं दर्शाया गया है। इस पद हेतु प्रार्थी का कोई साक्षात्कार दुआ, उसकी तिथि आदि भी नहीं दर्शायी है। प्रार्थी ने इस पद हेतु आवेदन देना अपनी जिरह में स्वीकार किया है लेकिन उक्त आवेदन को कोई प्रति भी पेश नहीं हुई है। प्रार्थी ने अपनी जिरह में कैकेन्सी निकाली यह भी उल्लेख किया सेकिन उक्त वैकेन्सी के संबंध में कोई साक्ष्य पेश नहीं की है। अप्रार्थी का कथन, जैसा कि ऊपर चर्चित अनुसार रहा है कि प्रार्थी को नियुक्ति उसके पिता के स्थान पर करुणामूलक आधार पर दी गई थी, के संबंध में अप्रार्थी के नियुक्ति आदेश प्रदर्श डब्ल्यू-1 के क्रमांक में 'कॉम्प्यूटर मणीशंकर' आदि का उल्लेख होने के आधार पर बताया है कि प्रार्थी को नियुक्ति कॉम्प्यूटर ग्राहण एवं अर्थात करुणामूलक आधार पर दी गई थी। यह अवश्य है कि अप्रार्थी की ओर से मालीराम का कोई आवेदन कि उसके स्थान पर उसके पुत्र को नियुक्ति दे दी जावे, आदि पत्रावली पर नहीं है। इसी तरह से प्रदर्श डब्ल्यू-4 कारण बताओ नोटिस जो प्रार्थी को जारी

किया, उसमें सभी तथ्यों का उल्लेख हुआ है। पत्रावली पर उपलब्ध सामग्री से यह तथ्य भी मिल होता है कि श्री माली राम पिता प्रार्थी जो कि स्वास्थ्य कारणों से जिस पद पर वे पदस्थापित थे, उस पद के कर्तव्य निर्वहन में अनफिट हो गये थे तथा केंद्रीय प्रशासनिक अधिकरण ने भी श्री मालीराम को स्वास्थ्य के आधार पर निकालने के एकज में बैंकलिपक नियुक्ति देने के आदेश दिये थे। अतः यह तथ्य सिद्ध है कि जिस पद पर मालीराम थे वे उस पद के लिए स्वास्थ्य कारणों से उपयुक्त नहीं रहे थे।

9. उपरोक्त विवेचन अनुसार प्रार्थी की ओर से यह कथन कि उसकी नियुक्ति के संबंध में बैंकेन्सी निकाली गई थी, उसने आवेदन किया था, किन्तु न तो विज्ञप्ति पेश हुई है न ही आवेदन की प्रति पेश हुई है। इसके विपरीत प्रार्थी के पिता का स्वास्थ्य खराब हो जाने से उन्हें पूर्व के पद पर उपयुक्त नहीं माना गया था यह तथ्य सिद्ध पाया गया है एवं प्रार्थी के नियुक्ति आदेश में शब्द 'कॉम्प्यूटर' क्रमांक में अंकित है। इस प्रकार जो परिस्थितियां एवं साक्ष्य पत्रावली पर पाई गई हैं, उसे देखने से मैं पाता हूँ कि प्रार्थी की नियुक्ति उसके पिता मालीराम के स्थान पर करुणामूलक आधार पर दी गई थी।

10. जब प्रार्थी के पिता को पुनः सेवा में ले लिया एवं प्रार्थी की नियुक्ति करुणामूलक आधार पर थी अतः प्रार्थी को शोकोऽन्न नाटिस प्रदर्श डब्ल्यू-4 देकर सुनवाई के बाद उसकी जो सेवा समाप्त की गई है, उक्त आदेश उचित एवं वैध है अथवा नहीं, अब इस विन्दु पर देखना है। करुणामूलक नियुक्ति के संबंध में माननीय उच्चतम न्यायालय के निर्णय 2007 एल.एल.जे (एम.सी.) पेज 230 स्टेट बैंक ऑफ इण्डिया व अन्य विरुद्ध सोमवार सिंह जिसमें माननीय उच्चतम न्यायालय के पूर्व निर्णय उमेश कुमार नागपाल विरुद्ध हायियाणा राज्य (1994) 4 एस.सी.सी. पेज 138 को उद्दृत करते हुए दृष्ट्यन्त का निम्न विवेचन उद्दृत हुआ:

"As a rule, appointment in the public services should be made strictly on the basis of open invitations of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interest of justice and to meet some contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post held by the deceased."

11. इस विवेचन को देखने से कोई भी नियुक्ति या सार्वजनिक पदों के लिए वो जारी है वह मात्र मध्ये से आवश्यक प्राप्त रुप सुनिश्चित गुणवाणी पर ही दिये जाने का उल्लंघन है अर्थात् यत्वानुकूल नियुक्ति के संबंध में सार्वजनिक विद्युति आवश्यक होना वा व्यवस्था नियुक्ति द्वारा ही किये जाने का उल्लंघन है, तथा कोई भीका नियुक्ति वा मान्य नहीं यथाया लंकिन करुणामूलक नियुक्ति उस विवेचन में अपशाद मानी गई है तथा इस विवेचन में करुणामूलक नियुक्ति को व किन कारणों से ही जारी, आदि का उल्लंघन हो, तो ही हस्तगत प्रकरण में श्री माली राम को पुनः सेवा में भी लिया गया है। इन हालात में प्रार्थी की नियुक्ति जो करुणामूलक आवश्यक प्राप्ति नहीं थी, उसे सम्पूर्ण रूप विद्युति आवश्यक होने वाला जस सकता। माली राम को पुनः नियुक्ति कर्तव्य प्रणाली नियुक्ति अधिकारण के निर्णय अनुसार तो गई उसमें भी प्रार्थी जिसे उक्त नियुक्ति करुणामूलक आवश्यक हो गई थी, भाले पर पर यह वाले का कोई हक प्राप्त नहीं होता न ही इस स्वेच्छा में प्रार्थी को ओर से ऊर्ध्व दृष्टान्त भी पेश हुआ है। इसके विवारीत प्रार्थित अवश्यकता को इस से दृष्टान्त 2004(3) डल्लू, एल.सी. (राजस्थान) 65 मुर्मिल मिल नाम विलंब सी.एम.टी. अजपेर विद्युत वितरण नियम लि. पर्यंत किया, कर देखने से इस दृष्टान्त में प्रार्थी को नियुक्ति अनुग्रहित आवश्यक गई है। गई थी लेकिन जब पता चला कि उसको बढ़ा भाई प्रदान से ही योग्य विभाग में सेवारत है एवं इस तथ्य का जारी होने पर उसको मेनेजर समाप्त की गई जिसे माननीय उच्च न्यायालय न मर्यादित है। हस्तगत प्रकरण में गी की भली गम को पुनः नियुक्ति मिली है जब नियुक्ति चाहे प्रार्थित अधिकारण के आदेश में मिली या उक्त करुणामूलक नियुक्ति जो प्रार्थी को ही गई, उसे करुणामूलक प्रार्थी अब अधिकारी नहीं गह जाता एवं उसको जो सेवाएँ इस अवश्यक पर सम्पूर्ण की गई हैं वह मर्यादित एवं वैध है। आतः गोरक्षन का उत्तर निम्न प्रकार दिया जाता है:

“पश्चिमी रेलवे, जयपुर के प्रवानगा द्वारा श्री मार्गी शंकर शर्मा की शेखाएँ दिनांक 16-10-82 से 18-5-94 तक हालात संवाद में रहने के पश्चात् दिनांक 18-5-94 से समाप्त किया जाना उचित एवं वैध है। प्रार्थी कोई अनुदाय पाने का अधिकारी नहीं है।”

7. अमार्द आज दिनांक 30-5-2008 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केंद्र सरकार का प्रकाशनार्थ नियायदूतावाद भेजा जावे।

प्रेस प्रबल राजी, न्यायालय

नई दिल्ली, 20 अगस्त, 2008

का.आ. 2582.—ऑद्योगिक विभाग अधिकारम् 1947 (1947 का 14) की धारा 17 के अनुसार में केंद्रीय भवितव्य उत्तराधिकार भरतपुर ग्रामीण आवृत्तिक बैंक को विवेचन के संसद विवाद वा गोरक्षन के कर्मकारों के बीच अनुबन्ध में निर्दिष्ट ऑद्योगिक विद्युति में

केंद्रीय सरकार ऑद्योगिक विभाग, जयपुर के संचार (मंत्री म. 14/1996) को प्रकाशित कर्या है, जो केंद्रीय सरकार को 20-8-2008 को प्राप्त हुआ था।

[सं. नं. 12012/232/1994-आर.वी. २१]

कृ. व. मनदेवा, अनुशास अधिकारी

New Delhi, the 20th August, 2008

S.O. 2582.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/1996) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Alwar Bharatpur Gramin Anchalik Bank, and their workmen, received by the Central Government on 20-8-2008.

[No. 12012/232/1994-IR(3-3)]

B. K. MANJHANDE, Section Officer

अनुबन्ध

केंद्रीय ऑद्योगिक व्यायाधिकारण, जयपुर

केस नं. सं. आई. टी. 14/96

रैफैसेंस: केंद्र सरकार, श्री पंचालय, नई दिल्ली का आदेश त्रिपालं एल-12012/232/94-आर. वी. दिनांक 19-3-1996

श्री बांके विहारी शर्मा पृष्ठ प्रथम सुन्दर नानिवाला, पुण्य वयसा व्यवसाय व्यवसाय भरतपुर (गाड़.)

प्रार्थी

वनाय

1. चंद्रप्रेद, श्री शंकर ग्रामीण अधिकारी वैक, आर. वी. १५१ की कोठी, कम्भी गुजर का चौराहा, भरतपुर।

2. ब्रांच मैनेजर, अन्वय भरतपुर ग्रामीण आवृत्तिक बैंक, आर. वी. शर्मा की कोठी, कम्भी गुजर का चौराहा, भरतपुर।

- अप्रार्थीगण

उपरिवर्त

पीडासीन अधिकारी: श्री गंगतप प्रकाश श्रापन, आर. एच. जे. एस. प्रार्थी की ओर से : श्री उमेद सिंह अप्रार्थी की ओर से : श्री अवय गुरा

दिनांक अनार्द : 13-6-2008

अवार्ड

1. केंद्र सरकार श्री पंचालय, नई दिल्ली के उत्तरोत्तर अधिसूचना के जरिये इस आवाद के विवाद उस न्यायाधिकार के अधिनियम हेतु निर्देशित किया जा सकता है। Whether the action of the management of the Alwar Bharatpur Gramin Anchalik Bank,

Bharatpur is justified in terminating the services of Shri Banke Bihari Sharma w.e.f. 3-1-84? If not, to what relief the workman is entitled?"

2. प्रार्थी श्रमिक की ओर से स्टेटमेंट ऑफ बलेम पेश किया गया जिसके संदर्भ में तथ्य इस प्रकार हैं कि प्रार्थी, अप्रार्थीगण के बाह्य जनवरी 1983 से 20-2-84 तक दैनिक वेतन भोगी कर्मचारी के रूप में अटलबंध शाखा भरतपुर में कार्यरत रहा। अप्रार्थीगण ने गलत रूप से प्रार्थी को सेवा मुक्त कर दिया जिसके बिरुद्ध प्रार्थी ने राजस्थान उच्च न्यायलय, जयपुर में एक रिट याचिका सं. 3156/89 प्रस्तुत की जिसे दिनांक 24-1-91 को प्रार्थी ने इस अधिकरण के समक्ष विवाद पेश करने की अनुमति के साथ विधदा कर लिया जिस पर यह विवाद इस अधिकरण में पेश हुआ। प्रार्थी ने अपने सेवा मुक्ति आदेश को इन आधारों पर चुनौती दी है कि प्रार्थी ने जनवरी 1983 से 20-2-94 तक अप्रार्थी के बाह्य लगातार कुछ कृतिम गैप सहित कार्य किया है, उसकी नियुक्ति स्थाई पद के बिरुद्ध श्री साहब सिंह के नौकरी होइ देने के कारण रित पद पर हुई थी और उससे चतुर्थ श्रेणी कर्मचारी की सेवाएं ली आती थी, प्रार्थी को बाबरचर्स के जरिये 9/ रूपये प्रतिदिन के हिसाब से भुगतान किया जाता था व उसने 6 माह तक लगातार कार्य किया है उसके बाद उसे एक-एक दो-दो दिन का कृतिम गैप देकर भुगतान किया गया है। अप्रार्थी के बाह्य अब भी कार्य मौजूद है और प्रार्थी को हटाकर श्री देवी राम को कार्य पर संगमया है जो अनुचित, अवैध व अनफैयर सेबर प्रेक्षित है। प्रार्थी का कथन है कि उपरोक्त आधारों पर प्रार्थी को सेवा मुक्ति अनुचित व अवैध है तथा औद्योगिक विवाद अधिनियम 1947 (जो निर्णय में आगे भाव अधिनियम सिखा जायेगा) की धारा 25-एच के साथ-साथ नियम 78 औद्योगिक विवाद केन्द्रीय नियम 1957 का भी स्पष्ट उल्लंघन है। प्रार्थी का कथन है कि श्री देवी राम को उसके बाद सेवा में लिया जाकर उसे स्थाई भी कर दिया है जबकि उससे पहले प्रार्थी को कोई काम पर आने की सूधना नहीं दी अतः प्रार्थी की कि उसकी सेवा मुक्ति अनुचित व अवैध घोषित की जाकर उसे पुनः सेवा में स्थाई नियुक्ति प्रदान की जावे।

3. अप्रार्थी ने क्लेम का जवाब पेश कर बताया कि प्रार्थी ने जो रिट याचिका भाननीय उच्च न्यायलाय में पेश की थी उसकी संख्या 3150/89 थी न कि 3156/89 तथा उसमें प्रार्थी ने अपनी नियुक्ति तिथी जनवरी, 1982 बताई है जबकि वर्तमान बलेम में जनवरी 1993 में दैनिक वेतन भोगी के रूप में काम पर लेना जाता है। अप्रार्थी ने जवाब में आगे बताया कि प्रार्थी को विपक्षी सं. 2 द्वारा जनवरी 1983 से 2 जनवरी 1984 के मध्य कभी कभी पानी पिलाने व सफाई आदि के कार्य के लिए दैनिक मजदूरी पर रखा गया। प्रार्थी को न तो स्थाई पद के बिरुद्ध नौकरी पर रखा न ही साहब सिंह को स्थाई पद के बिरुद्ध नौकरी पर रखा। साहब सिंह भी विपक्षी सं. 2 शाखा में पानी पिलाने व सफाई आदि का कार्य करता था और साहब सिंह के नहीं आने पर कभी कभार प्रार्थी से वही कार्य कराया जाकर उसे उस दिन की दैनिक मजदूरी दे दी जाती थी। प्रार्थी द्वारा फरवरी 1984 में कोई कार्य नहीं किया गया बल्कि जनवरी 1983 से जनवरी 1984 तक कभी

कभी कुल मिलाकर 69 दिवस कार्य किया गया जिसका भुगतान उसे समय समय पर दे दिया गया। 2 जनवरी 1984 के बाद प्रार्थी ने अप्रार्थी के बाह्य कोई कार्य नहीं किया है क्योंकि उसके बाद वह स्वयं ही कभी काम पर नहीं आया और वह बैंक का कोई कर्मचारी नहीं था अतः उसे सेवा पृथक करने का प्रश्न ही पैदा नहीं होता। प्रार्थी के नहीं आने पर कभी-कभी देवीराम से व साहब सिंह से काम ले लिया जाता था। काफी बारों के बाद उक्त कार्य हेतु पद सुचित हुआ तब नियमानुसार देवीराम की स्थाई पद पर नियुक्ति की गई जो अनुचित व अवैध नहीं कही जा सकती। प्रार्थी 2-1-84 के बाद स्वयं ही काम पर नहीं आया अतः देवीराम से ताल्कालिक आवश्यकता पूर्ति हेतु काम लिया गया, इन हालात में अधिनियम के प्रबंधन लाए नहीं डांते न ही नियम 78 की कोई उल्लंघन हुई है। अतः बलेम खारिज होने योग्य बताया।

4. बहस सुनी, पत्राचाली का अवलोकन किया। प्रार्थी प्रतिनिधि की बहस है कि प्रार्थी की नियुक्ति जनवरी, 1983 से 20-2-84 तक अप्रार्थी बैंक में दैनिक वेतन भोगी कर्मचारी के रूप में रही। प्रार्थी को सेवा से पृथक करने के संबंध में प्रार्थी के द्वारा एक रिट याचिका भाननीय उच्च न्यायलय जयपुर के समक्ष पेश की जो याचिका सं. एकल पीठ 5156/89 दर्ज हुई जिसे 24-1-91 को इस अधिकरण में चलने की अनुमति के साथ विधदा किया गया। उनकी बहस है कि सेवा समाप्ति के पूर्व प्रार्थी ने अप्रार्थी बैंक में लगातार 6 माह तक कार्य किया तथा उसके पश्चात 6 माह की अवैधि में एक-एक दो-दो दिन का कृतिम गैप देकर भुगतान किया गया। आगे बहस को कि प्रार्थी को सेवा समाप्ति के बाद अप्रार्थीगण के लिए आवश्यक था कि वे किसी अन्य व्यक्ति को सेवा में लेने से पहले प्रार्थी को पुनः नियुक्ति का अवसर देते जबकि श्री देवीराम को कार्य पर लिया और उसे बाद में स्थाई भी कर दिया जबकि देवीराम को कार्य पर लेने से पूर्व प्रार्थी को सेवा का अवसर नहीं दिया। उनकी बहस है कि प्रार्थी स्वयं परीक्षित हुआ है व उसने अपना कथन सिद्ध किया है।

5. अप्रार्थी प्रतिनिधि ने अपनी बहस में बताया कि रिट याचिका दिनांक 24-1-91 को विधदा कर ली, उक्त याचिका इस अवेदन के साथ विधदा की गई हो कि वह अधिकरण में पेश करना चाहता है, संचारी कोई आदेश नहीं हुए हैं। इसके अतिरिक्त प्रार्थी को दैनिक मजदूरी पर आवश्यकता अनुसार कार्य पर बुलाया गया था एवं प्रार्थी ने कुल मिलाकर 69 दिन अप्रार्थी बैंक में कार्य किया है। प्रार्थी को कोई नियुक्ति आदेश नहीं दिया गया था जब जब आवश्यकता हुई बुलाया गया अतः उसे सेवा से पृथक करने का प्रश्न ही उत्पन्न नहीं होता। देवीराम को जो नियुक्ति दी गई वह नियुक्ति उचित आशार पर दी गई थी जबकि प्रार्थी ने तो पहले से ही कार्य गर आना बांद कर दिया था एवं दिनांक 2-1-94 से काम पर नहीं आया तथा वह अपनी इच्छा से कहीं चला गया था। अतः अप्रार्थीगण ने धारा 25-एच का उल्लंघन किया हो, नहीं पाया गया है। उनकी आगे बहस है कि सेवा समाप्ति दिनांक 3-1-84 के बाद वर्ष 19-3-96 को यह रैफरेंस लाया गया है जो 12 वर्ष देरी है एवं प्रार्थी का यह कथन भी मान लिया जाये कि

उसने इट याचिका पेश की तो वह भी दिनांक 24-1-91 को बिंदा कर ली थी तब भी 6 वर्ष देरीना विवाद प्रस्तुत हुआ है तथा इस देरी का कोई कारण नहीं दर्शाया है । उगको यह भी बढ़से है कि प्रार्थी ने अपने स्टेटपर्ट अंग क्लॉम में दिनांक 20-2-84 तक कार्य करना चाहता है जबकि रॉरेस में सेवा समाप्ति की तारीख 3-1-84 है, उस संबंध में प्रार्थी की ओर से संशोधन भी करवाना चाहा एवं अवैदन भी पेश हुआ किन्तु उस आवेदन पर कोई कार्यवाही नहीं हुई है जिसमें भी प्रार्थी का क्लॉम स्वोकार होने योग्य नहीं है । अतः प्रार्थी का क्लॉम अस्वीकार होने योग्य चाहता ।

6. मैंने उहां पर गौर किया । प्रार्थी व अप्रार्थी की ओर साथ आई उसका भी अभ्यवन किया ।

7. प्रार्थी ने साथ के रूप में स्वयं का सपथ पत्र पेश किया बताया कि उसने इट याचिका पेश की जो वापस ले लो जिसके आदेश प्रदर्शन-1 होना चाहता रहिया उनके आदेश पत्रावली पर उपलब्ध नहीं है । अपने सपथ पत्र में उसकी सेवा समाप्ति के बाद देवीराम को कार्य पर लिया गया, उही बताया है । इसके विपरीत अप्रार्थी की ओर से यीँ आए पारवाल परिवर्त नहीं है तिजोने प्रार्थी के संबंध में बताया कि उसने जनवरी 1983 से जनवरी 1984 तक 22 दिन ही कार्य किया । प्रार्थी ने स्वयं ही जाप के आदान बंद कर दिया । उसके काफी लंबे बाद एक नया गढ़ सुर्जा हुआ जिस पर देवीराम की नियुक्ति निकापत्रम् पर किये जाने का उल्लंघन किया है । इस गवाह में जिह भैं प्रार्थी ने एक वर्ष में 240 दिन कार्य किया, के संबंध में सुझाव दिया जिसमें गवाह का क्लॉम हरा है कि प्रार्थी ने मात्र 69 दिन ही कार्य किया था तथा देवीराम की नियुक्ति उग्रकी यादवाश के अनुसार जुलाई, 1981 में होनी चाहीं । अप्रार्थीपाण ने धरा 25 एवं का अन्वेषन किया है इस दायित्व की निभाने का गार प्रार्थी पर था । प्रार्थी न अपने कहने या अधिवेदनों में देवीराम को काय नियुक्ति ही, ऐसा उल्लंघन नहीं किया है । इसके विपरीत अप्रार्थीपाण ने अपने कहनों में प्रार्थी के नहीं आने पर काफी अमृ बाद काप पर लिये जाने का उल्लंघन किया है । प्रकरण में प्रार्थी ने 211 दिन कार्य किया ही, ऐसो कोई साथ नहीं आई है जबकि अप्रार्थी गवाह को ऐसा सुझाव दिया गया था । प्रार्थी को फरवरी, 1984 से कार्य पर लेना बंद कर दिया जिसका यह रैकर्टेंस वा 1996 में लाया गया है इसमें पूर्व माननीय राजस्वान उच्च न्यायालय एक याचिका पेश करने का बताया एवं उसे बिंदा कर नियक, इस संबंध में कोई आदेश भी पेश नहीं हुए हैं एवं वर्ष 1991 में दियाचिका का विवरण किया जाना दर्शाया है उसके बाद भी साथ नहीं चाह यह रैकर्टेंस न्याया गया है जो देरीना है एवं इस देरी का कांड कारण नहीं दराना गया है । इस सारे विवरण से भैं पता है कि प्रकरण में यारा 25 एवं अधिनियम का उल्लंघन होना प्रार्थी की ओर से सिद्ध नहीं हुआ है तथा रैकर्टेंस उपरोक्तानुसार देरी से पाया गया, उक्त देरी का भी कोई विवरणमनीय कारण नहीं दर्शाया गया है ।

8. प्रकरण में एक कारण को ओर से दृष्टान्त पेश हुए । प्रार्थी की ओर से पेश दृष्टान्त एवं वर्दि सिविल इट याचिका गं. 621। 36 निर्णय दिनांक 5-। 1983 में धर्म न्यायालय द्वारा प्रार्थी को बंदा नाम

के अनुचित पर्व अवैध माना ले ला दिये गए; नियोजन का अधिकारी नहीं मानते हुए 10,000 रुपये दृग्दोष विवरण जाने के आदेश द्वारा उक्त आदेश को उपास्त करते हुए प्रान्तीय उच्च न्यायालय ने दृष्टान्त के प्रार्थी को खुन; सेवा में नियोजन का नाम के आदेश दिया । दृष्टान्त दृष्टान्त एवं सी. (राज.) 1992 (1) में धरा 25 जो व 25-एवं का उल्लंघन माना तथा यह भी माना दृग्दोष कानून के प्रार्थी के सेवा समाप्ति के बाद उससे कर्माल 2 लाख रुपये की सेवा कामयाब 2000 वर्षों दो और को सेवा भैं लिया गया । हस्तान एकान्त में प्रार्थी को सेवा अवैध 1984 में समाप्त किये जाने का तथा याच नहीं है जिसमें दृष्टान्त का उसके उत्तर बाद सेवा में लिया है, उसी नहीं धर्म गण है जाली, अप्रार्थी के गवाह के अनुसार वर्ष 1983 में देवीराम को नियोजन दिया था अतः यह दृष्टान्त भी प्रार्थी को लागू मान नहीं करता । दृष्टान्त अंग, एवं आर. 2000 (3) पेज 447 द्वारा दृग्दोष करना विस्तृत रायचन्द्र धृती के सम्में अप्रार्थी विवरण द्वारा कही उल्लंघन दृष्टान्त जाने के बाद भी जो रिकार्ड प्रार्थी द्वारा भराया गया, पेश नहीं किया गया अवा 35; विभाग के विरुद्ध प्रतिकूल अवधारणा लोग गड़ किन्तु अध्यात्म प्रकरण में एस कोई रिकार्ड माना गया नहीं है, जो किया गया है, की पाया गया है । दृष्टान्त आर. एवं 37, 1998 (1) (राजस्वान) पेज 269 राजस्वान राज्य विरुद्ध जनकी गंवारी धृती, डृष्टान्त दृष्टान्त यूनियन गंगानगर सिटी, इस मामला में 2001 दृष्टान्त मानने का धर्म नियोजक पर माना गया लंकिंग दृष्टान्त 2001 में दृष्टान्त गाली वा जी के कथन नहीं है कि उसने 240 एवं 25 वर्षों का धरा है । इसके अलावा नवीनतम विधि नियिकाद हाफ म 400 एवं 400 लंगान ते 200 दृष्टान्त कर्वे किया इस तथा की धारक हो गिरद कर्वे दृष्टान्त गति एवं 1994 (राज.) पेज 539 में देवीराम वर्दि नाम के भावानीय शब्दान्वय 3-वा न्यायालय द्वारा परिवर्त दृष्टान्त एवं धरा गया है जिसके वर्तमान वर्दि न्यायालय द्वारा गवाह परिवर्त दृष्टान्त एवं धरा गया है अवश्यक मानी है इस संबंध में प्रार्थी की ओर से 2000 (राज.) 2 एवं सी. 36, पेज 455 नैदनगढ़ी वैक लिंगिक दृष्टान्त एवं नामवरकुन्टी दृष्टान्त जिसके अनुसार 2 वर्षों बाद जो उत्तरांश उत्तरांश गया था, उक्त देरी की क्लॉम स्वोकार नहीं करने का लाभ नहीं दिया गया है ।

9. उपरोक्त सारे विवरण यह ही बताता है कि प्रार्थी का अवार्धनीयकार होने योग्य नहीं है अब अवार्धन का अन्वेषण यक्षण दृष्टान्त जाता है :

“ अल्वर भरतपुर ग्रामीण नैदनगढ़ी में भरतपुर ही उद्यान द्वारा श्री बांके विहारी शासी का 1983 (दिनांक 3-।।।-1983) में नियम किये जाना उचित एवं वैध है एवं कोई ग्रामीण का अधिकारी नहीं है । ”

10. अवार्धन आज दिनांक 3-।।।-1983 की खुने न्यायालय नियम द्वारा जाकर भूमतया गया जो गंवारी वा 36 की एकान्त नियमपूर्वक भैं जाते हैं ।

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ऑफिसर कमाण्डेन्ट 27 कम्पनी ए.एस.सी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, चण्डीगढ़ के पंचाट (संदर्भ सं. 115/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-2008 को प्राप्त हुआ था।

[सं. एल-13012/14/98-आईआर(डीयू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2583.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. 115/99) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Officer Commandant 27 Company ASC, and their workmen, which was received by the Central Government on 20-8-2008.

[No. L-13012/14/98-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Case No. I.D. 115/99

Sh. Suraj Parkash S/o Sh. Kishan Lal R/o 326, B.C. Bazar (Haryana), Ambala Cantt (Haryana)-133001

...Applicant

Versus

The Officer Comendant, 27 Company, ASC (Supply), Type-F, Ambala Cantt. (Haryana)-133001

...Respondent

APPEARANCES

For the workman : Workman in person

For the management : Shri J.S. Bish

AWARD

Passed on 8-8-2008

Central Government vide notification No.L-13012/14/98-IR(DU) dated 26-4-1999, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Officer Commandant 27

Company ASC, Ambala Cantt. in terminating the services of Sh. Suraj Parkash S/o Sh. Kishan Lal is legal and justified? If not, to what relief the workman is entitled?”

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting 8-8-2008 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference. The management also agreed to pay Rs. 2000/- to the workman as full and final settlement towards each and every claim of the workman if he withdraw his reference in Lok Adalat subject to the approval of the Government. The workman made a statement that he is ready to accept Rs. 20000/- towards retrenchment compensation and other legal expenses etc. in full and final settlement of his claim. The prescribed authority of the management and the workman during the hearing of this case in pre Lok Adalat agreed upon the abovementioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh
8-8-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2584.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, चण्डीगढ़ के पंचाट (संदर्भ सं. 79/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-2008 को प्राप्त हुआ था।

[सं. एल-42012/47/93-आई आर(डीयू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 79/94) of the Central Government Industrial Tribunal-cum-Labour

Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of B.B.M.B., and their workmen, which was received by the Central Government on 20-8-2008.

[No. L-42012/47/93-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Case No I.D. 79/94

The Chairman, Nangal Bhakra Majdoor Sangh, Quarter No.35-G, Nangal Township, Punjab 140124.

... Applicant

Versus

The Chief Engineer, Bhakra Dam, Bhakra Beas Management Board, Nangal Township, Distt. Rupnagar (Pb.)

... Respondent

APPEARANCES

For the workman: Sri R. K. Singh

For the management: Sri Bhagat Singh

AWARD

Passed on 07-8-2008

Central Government vide notification no. 42012/47/93-IR(DU) dated 11-8-94 referred the following industrial dispute for judicial adjudication:

"Whether the workman Shri Raj Kumar on reappointment is entitled for protection of his pay last drawn before retrenchment and if not to what other relief is he entitled to?"

On careful scrutiny of the pleadings of both of the parties, it is evident that the workman Shri Raj Kumar was firstly appointed as Store-Clerk under the Bhakra Dam Administration w.e.f 30-8-65 in the work charged capacity and was retrenched on 30-6-69. Thereafter, he was employed at Beas-Satluj Link Project, Sardarnagar Distt. Mandi Himachal Pradesh w.e.f 11-7-69 in the work charged capacity and his pay was protected on re-employment. He remained employed with the Satluj Link Project, Sardarnagar till 12-7-79. He was again re-employed by the BSI Project w.e.f 8-5-81 with the protection of his salary and was finally retrenched on 30-3-84. He was again re-employed on 15-3-90 as Store-Clerk with the initial pay-scale without the protection of salary of his previous work. Hence, this industrial dispute. The workman has claimed that on every re-employment his salary was protected but

on 15-3-90 while he was re-employed as Store-Clerk his salary was not protected which is against the own circular letter of the management no. 525961/BBMB/1717/46 dated 13-7-76.

The management filed this written statement alleging that it was a fresh appointment of the workman on 15-3-90 in compliance of the terms of the settlement in between the workman and the management on 2-3-90, before the Regional Labour Commissioner(C), Chandigarh. Regarding the circular letter dated 13-7-76; the management has stated that this circular letter is applicable on those workmen who have been re-employed on daily wages basis and not on the workmen who has been appointed against the permanent vacancy.

I have heard learned counsels for the parties workman in person and perused all the materials on record. The settlement dated 2-3-90 on the basis of which the workman was re-employed on 15-3-90 is on record. As per the terms of the settlement the management agreed to offer fresh appointment to workman Shri Raj Kumar for the post of Store-Clerk(BBMB, regular), in Nangal workmanship region, at Nangal, within a period of one week from 2-3-90 subject to medical fitness. It was also agreed upon that the workman Shri Raj Kumar will not claim back wages for the period he was unemployed. It was also further agreed upon that in case of any doubt about interpretation of any term, the decision of Regional Labour Commissioner (C), Chandigarh shall be final.

From the terms of settlement it is clear that it was a fresh appointment against a regular vacancy of the workman Shri Raj Kumar and the circular letter which he mentioned in his settlement of claim is relating to the employees who have been appointed on daily wages basis. The further letter explaining the circumstances under which the circular letter dated 13-5-76 was passed is also on record. This letter dated 26-7-89, make it clear that the instructions issued vide letter dated 13-5-76 were applicable only in respect of retrenched work charged employees on their reappointment in work charged capacity. It is true that the workman Raj Kumar was retrenched workmen but his reappointment was not in work charged capacity. He was appointed on regular post in compliance of the settlement dated 2-3-90.

In term No.1 of the settlement the word "fresh appointment" is written and it is acceptable to both of the parties. The term "fresh appointment" means that the appointment has no concert with the previous appointments. In term No 2, the workman Shri Raj Kumar specifically agreed that he will not claim any back wages. Thus, on the basis of the terms of the settlement dated 2-3-90 between the workman, Shri Raj Kumar and the management and on the basis of the letter no. 2626370/PD-1061/88/85, dated 26-7-89, it is clear that the workman is not entitled for the protection of pay-scale in any form. Moreover, the term No. 4 of the settlement also bars the

jurisdiction of any adjudicatory authority except the Regional Labour Commissioner(C), Chandigarh. On the basis of the above observation, I am of the view that the workman is not entitled for the protection of pay as prayed and the reference is accordingly answered that the workman Shri Raj Kumar on re-appointment is not entitled for protection of his pay last drawn before retrenchment and is not entitled for any other relief. Let the Government be informed. File is to be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2585 —ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नं.-I, चण्डीगढ़ के पंचायत (संदर्भ सं. 215/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-2008 को प्राप्त हुआ था :

[सं. एल-40012/19/2000-आई आर (डी यू)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th August, 2008

S.O. 2585 —In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 215/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. I Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Department of Telecom, and their workman, which was received by the Central Government on 20-8-2008.

[No. L-40012/19/2000-IR (DU)]
AJAY KUMAR GAUR, Desk Officer
ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Case No I. D. 215/2000

Miss. Ranjodh Kaur C/o Sh. N.K. Jeet, President, Telecom Labour Union, N—Mohalla Hari Nagar, Lal Singh Basti Road, Bhatinda (Punjab)-151005

...Applicant

Versus

The General Manager, Deptt. of Telecom, Hoshiarpur

... Respondent

APPEARANCES

For the workman : Workman in person

For the management : Sh. Dharam Pal

AWARD

Passed on 8-8-2008

Central Government vide notification No. L-40012/19/2000 IR (DU), dated 29-5-2000 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the General Manager, Telecom, Hoshiarpur(Pb.) in ordering disengagement/termination of services of miss Ranjodh Kaur a workman engaged through contractor Sh. Ashok Kumar Sharma, w.e.f. 1-5-99 is legal and justified? If not, to what relief the workman is entitled and from which date?

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre lok adalat meeting on 8-8-2008 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw her reference. The management also agreed to undertake to ensure that the workman will get wages as per DC rates and the payment shall be made in the presence of the management and also undertake to pursue that her services to continue through contractor. The prescribed authority also ensure that whenever there will be the regular appointment in the department, she will be given full opportunity as per rules and regulations of the department. The prescribed authority of the management and the workman during the hearing of this case in pre lok adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central government be informed. File be consigned to record.

Announced
8-8-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2008

का. आ. 2586 —ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नं.-I, चण्डीगढ़ के पंचायत (संदर्भ सं. 215/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-2008 को प्राप्त हुआ था :

(मंदर्भ सं. 5/2005) को दर्शायित करती है, जो कंदीय सरकार को 20-8-2008 की त्राज हुआ था।

[सं. एन-40012/78/2004-आई.आर. (डी.यू.)]
अजय कुमार गाँड़, इम्प्रेसिक्यू

सं. एन-40012, the 20th August, 2008

S.O. 2886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Department of Telecom, and their workman, which was received by the Central Government on 20-8-2008.

[No. L-40012/78/2004-IR (D.U.)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

Before Shri Gyandendra Kumar Sharma, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, 1, Chandigarh.

Case No. I.D. 3/2008

Sh. Sukhpal Singh Son of Shri Ekam Singh, C/o Shri N. K. Jeet, House No. 27349, Moludia Hari Nagar, Lat Singh Basti Road, Dhaunian Punjab

... Applicant

Versus

The General Manager, Telecom, BSNL, E-10 B Building, Behind HPO, Bhatinda (Punjab)

... Respondent

APPEARANCES

For the workman : None

For the management : Sh. Anish Babbar.

AWARD

passed on 7-8-2008

Central Govt. vide notification No. L-40012/78/2004-IR (D.U.) dated 9th December, 2004 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Telecom (BSNL) in terminating the services of Shri sukhpal singh, Fx-Driver, w.e.f. 1-3-99 without complying with the provisions of the I.D. Act is just and legal? If not, to what relief the concerned workman is entitled to and from which date?"

2. No one is present, on behalf of the workman

Learned representative of the management Shri Anish Babbar is present. Since morning this reference has been called number of times. At 10.45 a.m. it was ordered to be placed before this Tribunal once again at 2 pm. It is 2.30 now and on repeated calls no one is present, in spite of having

full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2005. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned

Chandigarh

G. K. SHARMA, Presiding Officer

7-8-08

मुद्रित दिनांक, 20 अगस्त, 2008

क्र. आ. 2587 : अंदीयित विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में कंदीय सरकार सौ.पी. डल्लू डी. के प्रबंधनयं के संवद गवांवका और उनके कर्तव्यों के बीच अनुबन्ध में निविल औद्योगिक विवाद में कंदीय औद्योगिक अधिकारण जयपुर के पंचाय (संदर्भ यू.) को दर्शायित करती है, जो कंदीय सरकार को 20-8-2008 की त्राज हुआ था।

[सं. एन-42012/19/1995-आई.आर. (डी.यू.)]

अजय कुमार गाँड़, इम्प्रेसिक्यू

New Delhi, the 20th August, 2008

S.O. 2587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of C.P.W.D., and their workman, which was received by the Central Government on 20-8-2008.

[No. 1-42012/19/1995-IR (D.G.)]

AJAY KUMAR GAUR, Desk Officer

अनुबन्ध

कंदीय औद्योगिक न्यायाधिकारण, जयपुर

केस नं. सी. आई. टी. 23/1996

रिफरेंस: कंदीय सरकार, अप भवनन्द, रड दिल्ली का आदेश क्रमांक एन-42012/19/1995-आई.आर. (डी.यू.) दिनांक 24-4-1996

श्री योकर राम पुत्र श्री हुगेन्स थोल गांव धापन तहसील निवास निवास वाडासी।

प्रार्थी

यताम

कार्यकारी अभियन्ता वॉ.एफ.ए. सौ.पी. डल्लू डी. जैसलमणी (जैसलमणी)।

प्रार्थी

उपस्थित

पीठासीन अधिकारी: श्री गौतम प्रकाश शर्मा, आर.एच.जे.एस.
 प्रार्थी की ओर से : श्री जे.एल. शाह
 अप्रार्थी की ओर से : श्री आर.के. जैन

अवार्ड

दिनांक अवार्ड : 28-5-2008

1. भारत सरकार के श्रम मंत्रालय की आज्ञा क्रमांक 42012/19/95 दिनांक 24-4-96 से निम्न अनुसूची का विवाद “Whether the action of the management of the services of Shri Pokar Ram Bheel is proper and legal and justified if not, to what relief the workman is entitled to” अधिनियम हेतु इस अधिकरण को प्राप्त हुआ है।

2. प्रार्थी श्रमिक की ओर से स्टेटमेंट आफ ब्लैम पेश हुआ जिसके अनुसार प्रार्थी का कथन है कि उसकी नियुक्ति दिनांक 11-11-91 को विपक्षी संस्थान में बीकानेर में बेलदार के पद पर हुई थी, नियुक्ति तिथि से वह लगातार कार्य पर जा रहा था व उसका कार्य संतोषप्रद था। 1 कार्यकारी अधियन्ता बी.एफ.आर.सी.पी.डब्ल्यू.डी. ने अपने मौखिक आदेश द्वारा प्रार्थी को दिनांक 23-3-93 से सेवा मुक्त कर दिया। आगे बताया कि प्रार्थी की सेवा मुक्ति के बाद विपक्षी संस्थान के बीकानेर कार्यालय को समस्त कर्तव्यार्थियों के साथ जैसलमेर स्थानान्तरित कर दिया। प्रार्थी ने अपने एक बर्ष की सेवा में 240 दिन से अधिक कार्य किया अतः औद्योगिक विवाद अधिनियम 1947 (जो नियम में आगे मात्र अधिनियम कहलायेगा) के अन्तर्गत वह श्रमिक की परिभाषा में आता है वथा विपक्षी संस्थान पर अधिनियम के प्रावधान लागू होते हैं। प्रार्थी को सेवा मुक्ति का कोई कारण नहीं बताया व न ही उसे कोई लिखित में आदेश दिया गया। उसे सेवा मुक्ति के पूर्व एक माह का नोटिस अधिका उसके एवज में एक माह का बेतन नहीं दिया न ही छह दिनी का मुआवजा दिया गया। प्रार्थी सेवा मुक्ति के बाद भी बीकानेर में डब्ल्यूटी पर उपस्थित होता रहा एवं विपक्षी उसे सेवा में लेने के आश्वासन देते रहे किन्तु उसे सेवा में नहीं लिया गया। जब कार्यालय जैसलमेर स्थानान्तरित हो गया तो वहाँ भी कई बार वह गया और सेवा में लेने का निवेदन करता रहा लेकिन उसे सेवा में नहीं लिया गया। सेवा मुक्ति को अनुचित, अवैध, बदनियतपूर्ण व प्राकृतिक व्याय के सिद्धांतों के विपरीत अपने ब्लैम के चरण से ४ के उपचरण “अ” से “ऊ” में उल्लंघित अनुसार बताया है एवं निवेदन किया कि प्रार्थी की सेवा मुक्ति को अनुचित व अवैध घोषित करते हुए उसे सेवा में बहाल किया जावे व समस्त लाभ दितायें जायें।

3. अपने जवाब में अप्रार्थी ने ऑक्टिव किया कि प्रार्थीना पत्र काफी देरी से प्रस्तुत किये जाने से चलने योग्य नहीं है तथा प्रार्थी को एक निश्चित कार्यक्रम “सीमा हक्कबदी” के लिए एक निश्चित समयावधि के लिए दैनिक बेतन भोगी श्रमिक के रूप में कार्य पर रखा गया था एवं जिस कार्य के लिए उसे रखा गया वह कार्य समाप्त हो गया। ऐसी स्थिति में अधिनियम के प्रावधान इस प्रकरण में लागू

नहीं होना बताया। मदबार जबाब देते हुए बताया कि प्रार्थी को विपक्षी विमान में कभी भी कोई नियुक्ति प्रदान नहीं की गई बल्कि “सीमा हक्कबदी” के निश्चित कार्यक्रम पर दैनिक बेतन भोगी के रूप में निर्धारित भजदूरी को दर से दैनिक बेतन के आधार पर कार्य पर लिया गया था एवं खण्ड बीकानेर के लिए ही उसे कार्य पर लिया गया एवं खण्ड बीकानेर का कार्य समाप्त हो जाने के बाद उक्त निश्चित कार्य भी समाप्त हो गया। आगे बताया कि प्रार्थी को कभी भी कार्य से हटाया नहीं बल्कि वह स्वयं ही बिना किसी सूचना व अवकाश स्वीकृत कराये कार्य छोड़कर चला गया तथा बीकानेर का कार्य समाप्त होने पर बीकानेर खण्ड को समाप्त कर दिया एवं जैसलमेर खण्ड में कार्य शुरू किया गया जो कार्य अब समाप्त हो चुका है। प्रार्थी कभी भी बीकानेर अथवा जैसलमेर कार्य पर नहीं आया है न ही उसे पुनः कार्य पर लेने का कोई आश्वासन दिया गया। जहाँ तक प्रार्थी के बेटोंजार बैठे होने का प्रस्तुत है, इस तथ्य को प्रार्थी स्वयं सिद्ध करे एवं प्रार्थी का क्लैम खानिज होने योग्य बताया।

4. साक्ष्य में स्वयं प्रार्थी घोकर राम परीक्षित हुआ व अप्रार्थी की ओर से श्री डॉ.के. पंजवानी के बयान करवाये गये।

5. दोनों पक्षों को बहस सुनी। प्रार्थी प्रतिनिधि ने अपनी बहस में बताया कि प्रार्थी ने प्रदर्श डब्ल्यू-१ पत्र प्रार्थी को पुनः सेवा में रखने हेतु लिखा, उक्त पत्र में सभी तथ्यों का उल्लेख किया गया तथा प्रार्थी को नौकरी से हटाने के बाद उससे कर्तव्य तीन श्रमिक राजेन्द्र कुमार, जितेन्द्र कुमार व पुखारज को काम पर रखा गया है। पत्र डब्ल्यू-२ से सौ.पी.डब्ल्यू.डी. मजदूर यूनियन ने कार्यपालक अधियन्ता जैसलमेर को उसे पुनः नौकरी में लेने तथा उसके पापले में क्या प्राप्ति हुई, संबंधी लिखा गया है। प्रदर्श डब्ल्यू-३ पत्र अधिशासी अधियन्ता बार्डर डिवीजन-१ जैसलमेर द्वारा यूनियन को निखारा गया है जिसमें प्रार्थी को पुनः कार्य पर रखने का आश्वासन दिया गया। प्रदर्श डब्ल्यू-४ पत्र केन्द्रीय लोक नियोग विभाग के कार्यपालक दंजोनियर जैसलमेर द्वारा भांकराम को पुनः कार्य पर रखने हेतु अपने अधीन अधियन्ताओं को लिखा था। प्रदर्श डब्ल्यू-५ भी इसी आशय का पत्र है। उनकी आगे बहस है कि प्रार्थी ने सेवा समाप्ति से एक बर्ष पूर्व की अवधि में 240 दिन से अधिक कार्य किया, इस तथ्य को अप्रार्थी ने अस्वीकार नहीं किया है। इसके बावजूद भी प्रार्थी श्रमिक को सेवा से हटाने से पूर्व एक माह का नोटिस अधिका नोटिस बैनर नहीं दिया न ही सेवा समाप्ति संबंधी कोई मुआवजा दिया गया। प्रार्थी से कर्तव्य श्रमिक कार्य कर रहे थे तथा सेवा मुक्ति के समय कोई वरिष्ठता सुनी जारी नहीं की गई। उहोंने अपने तर्क के समर्थन में दृष्टान्त (१) आर.एस.आर. १९८२ पेज ४४८ (राजस्थान) किशन कुमार विरुद्ध यूनियन आफ इण्डिया, (२) डब्ल्यू.एस.सी. १९९४(२) पेज २२७ इश्वरीरेस विभाग विरुद्ध रामेश्वर प्रसाद, (३) एम.सी.सी. १९०३ पेज ६९६ डॉ.के.यादव विरुद्ध जे.ए.ए.इण्डस्ट्रीज आदि तथा (४) आर.एस.डब्ल्यू. १९९१ (१) ५७७ (राज.) बनरल मैनेजर नार्दिन रेलवे विरुद्ध जे.सी.आई.टी. पेज किये।

6. अप्रार्थी प्रतिनिधि ने अपनी बहस में बताया कि प्रार्थी को एक निश्चित अवधि के लिए अर्थात् याहौर फैसिंग बीकानेर डिवीजन के कार्य पर लिया गया था एवं उक्त कार्य के समाप्त होने पर उक्त

हो गया था। चूंकि प्रार्थी उद्दृश्यमान था वह कार्ये एक परियोजना के रूप में था एवं उक्त परियोजना के पूर्ण होने तक ही था तथा प्रार्थी को उक्त कार्ये पर दैनिक बेतन १००० रुपये में लगाया गया था अतः उक्त कार्ये समाप्त होने पर केवल १००० रुपये भी भविक अन्य जो भी कार्यरत थे उन सभी को कार्ये पर जेना चाहिए नहीं रहा। इन हालात में प्रार्थी का मापदण्ड छंटनी की परिधि ने जहां आता थालिक धारा २(८०) (बीबी) की परिधि में आता है। इस नियम में उनकी ओर से पेश दृष्टिक्षण व्याप्ति लैण्ड हैं बलपर्यंत जारीरेखन नियम अमर सिंह, एजन्सीकूटिव इंजीनियर, कर्नाटक राज्य विभाग के सेक्रेटेनरी अधिक, व हिमचल प्रदेश राज्य विरुद्ध नींथा शरण आदि के अधिकार नियम किया। इन सभी में जहां श्रमिकगण किसी नियमन के नियुक्त थे, उक्त परियोजना को समाप्ति पर जो श्रमिक कलाप थे, उनको संबंधी स्थल हो स्थल हो जाने का सिद्धान्त प्रतिवादित किया है। हस्तगत प्रकरण में भी जो तथ्य प्रकट हुए हैं उनमें मान है कि ग्राही ने नींथाकानारे प्रोजेक्ट में कार्य किया जहां कार्ये समाप्त हो गया प्रबंध व्यालंकर जैसलमेर के लिए शुरू किया गया था। प्रार्थी का प्रार्थना से एसी काई विधि नहीं खाली है गई कि पहले प्रोजेक्ट के नामकरण के अन्त में उनके उपरान्त जो नया प्रोजेक्ट शुरू किया उसमें भी पहले द्वारा अन्य श्रमिकों को लिए किस तरह से आवश्यक था। इसके अलावा किसी भी मामले में जो दस्तावेज यथा प्रदर्श उद्देश्य-३, ४, व ५ प्राप्त हुए हैं उनके देखने से अपार्थी विभाग की ओर से प्रार्थी को संवाद में लिये कर्यालय भी किये गये थे। किन्तु १९९५ में जैसलमेर प्रोजेक्ट में व्यापत हो गया। अतः प्रार्थी के यह मामला छंटनी की परिधि में जाना है और यदि ऐसा ही हो तो नियोजक के लिए धारा २३ वाले का मामला किया जाना भी अवश्यक नहीं था जो दृष्टिक्षण प्रार्थी को द्वारा संपर्क हो उनका भी मैदान भाग्यवन किया। उनमें से कोई भी दृष्टिक्षण प्रार्थी जो अपने बाहरी उक्त कार्यरत थे उनमें से कोई भी दृष्टिक्षण प्रार्थी को द्वारा संपर्क हो उनका भी मैदान भाग्यवन किया।

७. प्रार्थी को मध्य में लगा। इस पूर्ण श्रमिकों की चांगलता भी जारी नहीं करता है तो जाहीं में लोनाट श्रमिकों को ट्रेनिंगमें प्रोजेक्ट में कार्य पर लिया जाता है और भीड़ में प्रार्थी ने अपने कठिनी में कोई भी नाम या दृष्टान्त नहीं लिया है कि अमृक-अमृक श्रमिकों जो उसके साथ थे अथवा उसमें थे उन्हें क्लास पर नियम एवं प्रथाएँ को नहीं लिया। यह भी नृपा नियमित है कि दैनिक बेतन भी गों कर्मचारियों के पाण्ठान वर्ग दृष्टान्त गृहीं जारी करता थी अप्रश्नक नहीं है। इस सारे विवेचन में यह लिखा है कि प्रार्थी चार कलोम ज्ञानकार होने योग्य नहीं हैं, अतः उन्होंने में नृपा अवर्त आरित किया “सोंगी डूल्लहू डूल्लहू” के प्रश्नपत्र द्वारा उन्हें पांकर गम थोस के द्वारा समाज करने को कर्तव्यरूपी जीवन, अवर्तक एवं नानासंगत है। जारी कोड अपनोंगे प्राप्त करने का लोकान्वयन दर्शाता है।”

३. अवार्ड आइ. नं. १५ व २०१५ को खुले न्यायालय में लेखाना जाकर सुनाया गया है। इन १५ व २०१५ के प्रकाशनाधीन नियमोंनुसार यहां ऊंची।

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2588 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/प्रम न्यायालय पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-08 को प्राप्त हुआ था।

[सं. एल-40012/29/2004-आई.आर. (टी.यू.)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st August, 2008

S.O. 2588 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Pune as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited, and their workman, which was received by the Central Government on 21-08-2008.

[No. L-40012/29/2004-IR(DU)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI SHRIKANT K. DESHPANDE, INDUSTRIAL TRIBUNAL MAHARASHTRA AT PUNE

Reference (IT) No. 64 of 2004

The Principal General Manager,First Party
BSNL, Bajirao Road,
Pune-411 002.

And

Shri Ramrao Vishnu Thorat,Second Party
Post-Walki, Tal-Daund,
Pune.

In the matter of reinstatement with continuity of service.

CORAM : Shri Shrikant K. Deshpande, Member.

Appearances : Shri H. Y. Deo, Advocate for first party.

Shri A. Y. Shikarkhane, Advocate for
second party.

AWARD

Delivered on 19-07-2008

This is a Reference made by the Central Government Ministry of Labour, vide its order dtd. 07-10-2004 in exercise of powers conferred by Clause-(d) of Sub-Sec. (1) and Sub-Sec. (2A) of Section-10 of the Industrial Disputes Act, 1947 and referred the dispute in relation to the management of BSNL and Their Workman, in respect of matter specified in

the schedule that, "Whether the workman Shri Ramrao Vishnu Thorat, was in employment as casual mazdoor in the Deptt. of Telecom/BSNL, under Sub Division Daund continuously from 1-1-99 to 31-12-99 ? If so, the action of the management in orally terminating/disengaging him w.e.f. 1-1-2000 without any notice and compensation is legal and justified and to what relief the concerned workman is entitled to and from which date".

2. The brief facts of the case of Shri Ramrao vishnu Thorat, (Party No. 2) are as under that, the party No. 2 was employed by the department of the Telecommunication Daund Sub Division at Telephone Exchange, Walki as part time/full time employee and was doing the work to join telephone cables, to rectify telephone and cable faults, to dig trenches, to climb telephone poles and work on overhead telephone lines, to clean the office and fill water under the supervision and control of Junior Telecom Officer (JTO) Kedgaon. He was being paid by JTO by obtaining signature on form ACG-17 and paid monthly wages of Rs. 1000/- and attendance was recorded in the muster roll. However on 1-1-2000 the JTO, Kedgaon discontinued his services without any notice or compensation. Thereafter the JTO Kedgaon continued to provide him work but wages were paid in cash without obtaining signature.

The party No. 2 added that All India SC/ST Union persuaded his case for permanency, accordingly the details regarding the employment of the party No. 2 alongwith similar situated workmen were called for considering their case for regularization, accordingly the details were sent after 3-1-03, however prior to that the dispute has been raised. The party No. 2 further added that in the meantime he was working under the party No. 1 till 1-5-03 and paid wages in cash, however thereafter they stopped giving work. Lastly the party No. 2 urged that there is sufficient full time work with party No. 1 and he could be absorbed on the regular vacant post, still the party No. 2 prays that party No. 1 be directed to absorb the second party in the regular vacancy in Group-D from 1-1-2000.

3. The BSNL (Party no. 1) strongly resisted the statement of claim by reply and denied all the contentions of the party No. 2 in totality. The party No. 1 contended that the statement of claim is not filed within the prescribed period, there is no employer and employee relationship between the parties. The party no. 1 were not paid by DOT/BSNL therefore the party No. 2 was not the employee of party No. 1.

The party No. 1 further contended that, the party No. 2 may be working under the contractor who were allotted the work by tender and he was working under the Contract Act, hence the contractors are under the obligation to maintain the record. The party No. 2 was never directly in service or under supervision of the party No. 1, hence the claim about the service does not arise. The party no. 1 also contended that their establishment is

governed, managed and controlled by rules and regulations of DOT, New Delhi. On formation of BSNL w.e.f. 1-10-2000 one time relaxation was given in conversion in full time casual labour. The application from PTCL and certificate from controlling authority were called to ascertain the genuine regarding information received from field, accordingly the committee was formed and member visited to the respective units and submitted the list. However the name of party no. 2 did not find place in the list and since he was not paid by DOT/BSNL, therefore he was not considered for permanency. Lastly the party no. 1 urged that the claim of party no. 2 is illegal therefore he is not entitled for any relief and ultimately requested that the Reference be answered in the negative.

4. My learned predecessor has framed the issues at Exh. 2, I have re-arranged and properly verded those issues as below and my findings and reasons to them are as below :

ISSUES	FINDINGS
1. Does the party no. 2 proves that he is employee of the party no. 1 ?	No;
2. Does the party no. 1 prove that the party no. 2 was engaged by contractor ?	Yes;
3. Does the party no. 2 proves that the party no. 1 had illegally terminated the services of party no. 2 without complying the provisions of S.25F of the ID Act ?	Does not survive.
4. Whether the party no. 2 is entitled to get reinstatement with continuity of service ?	No.
5. What Award ?	As per order below.

REASONS

5. ISSUE No. 1 & 2 : These issues are inter-related therefore answered together.

After carefully scanning the oral evidence of the parties available on record it seems that, the party no. 2 deposed before the court that he joined as a casual labour at Telephone Exchange Walki which comes under Kedgaon Division of the party no. 1 and carrying out the cleaning work of office, fetching water, cleaning batteries. He was reporting to JTO Kedgaon and in case of any default in telephone line JTO used to direct him to repair the said fault. He further deposed that there was no system of recording attendance, he was getting Rs. 100/- pm by signing on ACG-17, however after taken over by the BSNL, practice of signing on ACG-17 was discontinued.

Though the party no 2 specifically pleaded in the statement of claim that his attendance was being recorded in the muster roll, however party No. 2 deposed contrary to the pleadings that there was no system of recording attendance. Furthermore in cross-examination the party no.2 stated that there was separate telephone exchange at Walki and the distance is about 50 kms , there was no regular staff at Walki telephone exchange and he was the only casual labour at Walki and attending the work of repairing as per the instructions from JTO, Kedgaon and also stated the excepting repairing work other work was carried out by the contractors.

6. It has come on record through oral evidence adduced on behalf of the party no.1 that there was ban to the recruitment and employment of the casual labours for any type of work since 1990. The party no. 1 started giving the work of excavating trenches, laying and joining underground telephone cables, erection of DP and pillars in the rural areas to the contractors. It has also come on record that the party no.2 never worked during 16-5-97 to 30-5-02 as a regular employee or casual labour or casual employee under JTO Kedgaon, the payment of wages were never made to the party no.2 by the party no.1 nor the signatures of the party no.2 was obtained on ACG-17 or on other documents. The party no.2 was not employee of the Telecommunication department and never worked under the supervision and control of the JTO Kedgaon, his name was not on the muster roll nor the party no.2 was paid any time on pay roll. The witnesses of the party no.1 were fully cross-examined on behalf of the party no.2, however he could not bring substantial material on record.

From the above discussed oral evidence available on record it can be safely said that the party no.2 never worked regularly or casual employee with the party no.1 he was not on the muster roll nor on pay roll. There was no staff at Walki Telephone Exchange and the work which was alleged to have been performed by the party no.2 was given to the contractor. Similarly the casual labours were not being paid their wages on ACG-17, under such circumstances it is very difficult to accept that the party no.2 was working as a casual labour with party no.1.

7. As regards the documentary evidence it seems that; during the proceedings the party no.2 sought production of ACG-17 regarding payment of wages made by JTO Kedgaon alongwith monthly work orders, however the party no.1 denied the maintenance of such record, therefore my learned predecessor observed that the party no.2 may produce the secondary evidence to that effect and accordingly rejected the application. However no such secondary evidence has been placed on record by the party No.2.

Furthermore it reveals that the party No. 2 relied on the original complaint book (Exh. 1-9) as well as xerox copies of proforma prescribed for part time casual labour (Exh.

U-10). On careful perusal of the entries in the complaint book (Exh. U-9) it seems that those entries are in respect of work alleged to have been performed by the party No.2 after 22-4-01 and there is no entry regarding the work performed by the party No.2 from January 99 to 31-12-99. Similarly in the prescribed proforma (Exh.U-10) there is no whisper that party No.2 worked as casual employee any time with the party No.1 thus merely on the basis of working days shown for the year 1999 in the proforma it will be unsafe to infer about casual employment of the party No.2 with the party No.1. Not only this but there is no mention in the proforma that to whom it was submitted by the party No. 2. Similarly the material column of the proforma appears to be blank. Thus I do not think that these documents are any way helpful to party No. 2 to show that he was working as casual labour with the party No.1.

8. From the above discussed oral as well as documentary evidence available on record, I reiterate that the party No. 2 was never worked as casual or regular employee with the party no.1, he was not on the muster roll of the party no.1 nor paid the wages on pay rolls like daily wages or casual employee by JTO Kedgaon. Moreover the work alleged to have been performed by the party no.2 appears to have been given to the contractor. The contractor used to make the payment to the employees working under him therefore it is very difficult to accept that the party No.2 was the employee of the party No. 1. At the most the party no.2 appears to have been the employee of the contractor and not of party no.1, hence I answer these Issues accordingly.

9. ISSUE NO. 3 : I have observed earlier that the party no.2 was not the employee of the party No. 1 it means there is no relationship of employer and employee between the party No. 1 & party No. 2 and in absence of that there is no question of continuous service as well as the compliance of the provisions of law while terminating the services of the employee therefore this issue does not survive, hence I answer this Issue Accordingly.

10. ISSUE NO. 4 : I have observed earlier that the party No.2 is not the employee of the party no.1 and in absence of relationship of employer & employee between the party No.1 and party No. 2, the party No. 2 is not entitled for any protection under law and party No. 2 is not entitled for any relief as prayed.

It is pertinent to note here that, in the statement of claim the party no.2 has specifically stated that even after termination w.e.f. 31-12-99 he was taken in service and since then he was working with party no.1 under JTO Kedgaon till 1-5-03. The party No. 2 further stated that there is sufficient full time work under SDE Daund at Kedgaon and other places and at other stations with the party No. 1 and he could be absorbed in regular vacant post, therefore prayed for direction to the party No. 1 to absorb him in regular

vacancy in group-D from 1-1-2000 with the consequential benefits. In fact I have observed earlier that party No. 2 was not an employee of the party No. 1, therefore not entitled for any relief as prayed, nor there is question of any direction to the party No. 1 to absorb the party No. 2 in regular employment of the party no.1.

It is worthwhile to mention here that by this reference the dispute regarding the termination of party No. 2 w.e.f. 1-1-2000 has been referred to this court for adjudication and except that no other issue has been referred to this court for adjudication, so the claim made by the party No. 2 regarding absorption in regular employment of the party No.1 is certainly not within the ambit of the Reference referred for adjudication therefore this court has no jurisdiction to adjudicate the same and grant relief accordingly. In brief the party no.2 is not entitled for relief as prayed, hence I answer this Issue in the negative.

In the result I proceed to pass the following Award.

AWARD

1. The Reference is answered in the negative.
2. Party No. 2 is not entitled for any relief as prayed.
3. Parties to bears their own costs.
4. Copies be sent to the appropriate authorities.

PUNE:

DATE: 19-7-2008

SHRIKANT K. DESHPANDE, Industrial Tribunal

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2589.—आईपीएक्स विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधित प्रबंधित नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आईपीएक्स विवाद में आईपीएक्स अधिकरण/प्रम न्यायालय पुणे के पंचाट को प्रकाशित करती है, जो केंद्रीय सरकार को 21-8-08 को प्राप्त हुआ था।

[सं. एल-40012/28/2004-आई.आर. (डी.यू.)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st August, 2008

S.O. 2589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited, and their workman, which was received by the Central Government on 21-08-2008.

[No. L-40012/28/2004-IR(DU)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI SHRIKANT K. DESHPANDE,
INDUSTRIAL TRIBUNAL MAHARASHTRA
AT PUNE

Reference (IT) No. 61 of 2004

The Principal General Manager, ...First Party
BSNL, Bajirao Road.
Pune-411002.

And

Shri Sanjay Pandurang Sonawane, ...Second Party
Post : Patas Station, Teh : Daund,
Pune.

In the matter of reinstatement with continuity of service.

CORAM : Shri Shrikant K. Deshpande, Member.

Appearances : Shri H. V. Deo, Advocate for first party.
Shri A. V. Shikarkhane, Advocate for second party.

AWARD

Delivered on 19-07-2008

This is a Reference made by the Central Government Ministry of Labour, vide its order dtd. 11-10-04 in exercise of powers conferred by Clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947 and referred the dispute in relation to the Management of BSNL and their Workman, in respect of matter specified in the schedule that, "Whether the workman Shri Sanjay Pandurang Sonawane was in employment as casual mazdoor in the Deptt. of Telecom BSNL, under Sub Division Daund continuously from 1996 to 31-12-99 ? If so, the action of the management in orally terminating disengaging him w.e.f. 1-1-2000 without any notice and compensation is legal and justified and to what relief the concerned workman is entitled to and from which date".

2. The brief facts of the case of Shri Sanjay Pandurang Sonawane (Party No. 2) are as under that, the party No. 2 was employed by the Department of the Telecommunications Daund Sub Division at Telephone Exchange Kedgaon as part time full time employee and was doing the work to join telephone cables, to rectify telephone and cable faults, to dig trenches, to climb telephone poles and work on overhead telephone lines, to clean the office and fill water under the supervision and control of Junior Telecom Officer (JTO) Kedgaon. He was being paid by JTO by obtaining signature on form ACG-17, paid monthly wages of Rs. 1000 and attendance was recorded in the muster roll. However on 1-1-2000 the JTO Kedgaon discontinued his services without any notice or compensations. Thereafter the JTO Kedgaon continued to provide him work but wages were paid in cash without obtaining signature.

The party No. 2 added that All India SC/ST Union pursued his case for permanency, accordingly the details regarding the employment of the party No. 2 alongwith similar situated workmen were called for considering their case for regularization. Accordingly the details were sent after 3-1-03, however prior to that the dispute has been raised. The party No. 2 further added that in the meantime he was working under the party No. 1 till 23-8-2003 and paid wages in cash however thereafter they stopped giving work. Lastly the party No. 2 urged that there is sufficient full time work with party No. 1 and he could be absorbed on the regular vacant post, thus the party No. 2 prays that party No. 1 be directed to absorb the second party in the regular vacancy in Group-D from 1-1-2000.

3. The BSNL (Party No. 1) strongly resisted the statement of claim by reply and denied all the contentions of the party No. 2 in totality. The party No. 1 contended that the statement of claim is not filed within the prescribed period, there is no employer & employee relationship between the parties. The party No. 1 were not paid by DGT BSNL therefore the party No. 2 was not the employee of party No. 1.

The party No. 1 further contended that the party No. 2 may be working under the contractor who were allotted the work by tender and he was working under the Contract Act, hence the contractors are under the obligation to maintain the record. The party No. 2 was never directly in service or under supervision of the party No. 1, hence the claim about the service does not arise. The party No. 1 also contended that their establishment is governed, managed and controlled by rules and regulations of DGT, New Delhi. On formation of BSNL, w.e.f. 1-10-7060 one time relaxation was given in conversion in full time casual labour. The application from PTCL and certificate from controlling authority were called to ascertain the genuine regarding information received from field, accordingly the committee was formed and member visited to the respective units and submitted the list. However the name of party No. 2 did not find place in the list and since he was not paid by DGT BSNL, therefore he was not considered for permanency. Lastly the party No. 1 urged that the claim of party No. 2 is illegal therefore he is not entitled for any relief and ultimately requested that the Reference be answered in the negative.

4. My learned predecessor has framed the issues at Exh. 2, I have re-arranged and properly vered those issues as below and my findings and reasons to them are as below :

ISSUES	FINDINGS
(1) Does the party No. 2 proves that he is employee of the party No. 1?	No;
(2) Does the party No. 2 prove that the party No. 2 was engaged by contractor?	Yes.

(3) Does the party No.2 proves that the party No.1 had illegally terminated the services of party No.2 without complying the provisions of S.25F of the ID Act ? Does not survive;

(4) Whether the party No. 2 is entitled to get reinstatement with continuity of service ? No;

(5) What Award ? As per order below.

REASONS

5. ISSUE NO. 1 & 2: Both these issues are interrelated therefore answered together. In the present reference the dispute appears to be regarding status of the party No.2, i.e. whether the party No. 2 is an employee of the party No.1 or the employee of the contractor. The subsequent issue depends on earlier issue and to discharge the burden regarding the status, the party No.2 has examined himself alongwith Mr. Balgude, the then officiating line Inspector on his behalf. Whereas the party No. 1 has relied on the evidence of Mr. Tiwari, Ovhaj & Gyndecha, JTO's & Sub-Divisional Engineer in rebuttal.

6. It has come on record that, the party No.2 was working at Sub-Division Daund, Telephone Exchange Kedgaon of the party No.1, he was required to dig pits, to carry out cleaning work, to carry out repairing work of telephone fault and joined the cables. He was performing these works as per the direction of the Line Inspector Mr. Balgude who was working under the supervision of Mr. R. P. Tiwari, JTO. He was getting Rs. 1000/- p.m. towards the wages, the JTO Kedgaon was the drawing and disbursing authority and at the time of payment his signatures were obtained on ACC-17. His attendance was recorded on muster attendance rolls and since telecommunication department is taken over by BSNL, he was getting salary by cash without signing any receipt.

It has further come on record that the name of casual labourers only appears on the muster roll of JTO and the employees on the muster roll were getting their names included in the pay rolls while receiving the wages and party No.2 fairly admitted that he was never paid on pay rolls. Though the party No.2 denied that he was never enrolled on the muster roll of JTO, however as per admission given by the party No.2 regarding non-receiving the wages on pay roll, it can be safely inferred that the party No.2 was not on the muster roll nor on the pay roll of the JTO Kedgaon.

7. It seems that the party No.2 has examined Mr. Balgude, Line Inspector on the point of supervision and control over his work and accordingly he deposed that the party No.2 joined the duties in Telephone Exchange Kedgaon and working as a helper to cable joinder with him, Mr. Tiwari, JTO used to allot the work to the party No.2 and the party No.2 was working as per the direction of Mr. Tiwari and Line Inspector, he used to supervise the work of the party No.2 and used to sign the diary maintained

by the party No.2 for verification of work done by him. However in the cross-examination witness stated that he used to carry out the construction of new telephone lines with the help of 10 to 12 persons and their attendance register was standing in his name. The labours working with him were on muster roll, they were casual labours on daily wages and carrying out the erection work of telephone lines only. the witness fairly admitted that the name of the party No.2 was never appearing on his muster roll when he was in Sub-Division Daund. The witness also deposed that after 1998 the construction work of the telephone lines were being carries out through contractor, since then the practice of maintaining muster roll was stopped. However those muster rolls were in respect of casual labours working with Line Inspector.

The witness further deposed that since 1998 the construction of telephone lines i.e. putting overhead wires as well as underground cable work was being carried out through contractor and since then the practice of maintaining muster roll as well as engagement of casual workers for the said work was stopped. When the contractor was appointed for carrying out the cable work and overhead wire work, they used to appoint their casual labours and contractor used to make payment of their casual labours. The casual labours working with party No. 1 were getting their wages by putting their signatures on the last column of the muster roll and they were not getting the wages by not signing on ACG-17.

8. It has come on record through oral evidence adduced on behalf of the party No. 1 that, there was ban to the recruitment on employment of the casual labours for any type of work. Since 1990 the party No. 1 started giving the work of excavating trenches, laying and jointing underground telephone cables, erection of DP and pillars in the rural areas to the contractors. The party No. 2 Sanjay Pandurang Sonawane never worked during 1991 to April 1997 and 16-5-97 to 30-5-02 as regular employee, casual labour or casual employee under JTO Kedgaon payment of wages were never made to the party No.2 by the party No. 1 nor the signatures were obtained on ACG-17. The party No. 2 was never employee of Telecommunication Department and never worked under the supervision and control of JTO Kedgaon. The attendance of the party No.2 was never recorded in the muster roll nor paid any time by JTO. The witness were cross-examined by the party No.2, however could bring substantial material on record.

It is worth while to mention here that, the party No.2 has stated about recording attendance on muster roll as well as getting the payment by signing on ACG-17. The party No. 2 fairly admitted that he never received the wages on pay rolls and as per the oral evidence of the witness of the party No. 2 the casual labours working with the party No.1 were getting their wages by putting their signatures in the last column of the muster roll and they were not getting their wages by signing on AC-17. This itself shows that the party No.2 was never on the muster roll of the party No.1 nor he was any time paid wages on the pay rolls like the other casual workers working with party No.1.

9. From the above discussed oral evidence available on record it can be safely inferred that the party No. 2 never worked as a regular or casual employee under JTO Kedgaon. He was not on the muster roll nor on pay roll of JTO Kedgaon. The work performed by the party No. 2 appears to have been given to the contractor. As regards the supervision and direction to the work, the party No.2 appears to have been relied on the oral evidence of Mr. Balgude, Line Inspector, however he clarified that the name of the party No.2 was never appearing on the muster rolls. The contractors used to make the payments of the casual labours working with them and also clarified that the casual labours were not getting their wages by signing ACG-17. Though the party No.2 stated that he was performing the work as per the direction of Mr. Balgude, however Mr. Balgude deposed otherwise that Mr. Tiwari, JTO used to allot the work to the party No.2 and the party No.2 was working as per the direction of Mr. Tiwari. Under such circumstances on the basis of above discussed oral evidence it is very difficult to accept that the party No. 2 was working as a casual labour in Sub-Division Daund of the party No.1.

10. After considering the oral evidence available on record let us consider the documentary evidence relied by the party No.2 to substantiate their claim before the court. It reveals that during the proceedings the party No. 2 sought production of form ACG-17 regarding payment of wages made by JTO Kedgaon alongwith monthly work orders, however the party No.1 denied the maintenance of such record therefore my learned predecessor observed that the party No.2 may produce the secondary evidence to that effect and accordingly rejected the application, however no such documents are placed on record.

Furthermore it reveals that the party No.2 relied on various documents which are placed before the court alongwith list Exh. U-17. On careful perusal of those original documents available on record it seems that, those are in respect of instruction about the work given by JTO Kedgaon & JTO Yewat, the inspection report for September 2002, and July 2003 alongwith diaries maintained by the party No.2. In fact it has come on record that JTO Yewat & JTO Kedgaon are different and JTO Yewat has no concern with JTO Kedgaon, therefore the instructions issued by JTO Yewat are not at all material in the present case. Similarly though the documents at Exh. U-9& Exh. U-10 bears the signature of JTO Kedgaon, however those chits/documents are of 2003 i.e. after the period of termination of party No. 2 therefore not useful to decide about the employment of the party No.2 with party No.1 and merely on the basis of diaries regarding the work performed by the party No.2. It is very difficult to accept that the party No.2 was working with party No.1 (that too as casual employee).

11. Furthermore in spite of direction to produce the secondary evidence regarding the ACG-17 i.e. in respect of payment made to the party No. 2 no attempts were made on behalf of party No. 2. To bring such material before the

court. In fact though the party No.2 stated on oath that his attendance was recorded on muster attendance rolls however there is no explanation as to why the production of those muster rolls was not sought by the party No.2 from the party No. 1 and in absence of that by no stretch of imagination it can be said that party No.2 was working as casual employee on muster roll of the party No.1 and he was being paid wages on pay rolls.

Much reliance has been placed by the party No.2 on xerox copies of documents Exh. U-7 & U-8. On perusal of these documents it seems that those are the proforma prescribed for part time casual labour and bears the signature of party No.2. However there is no whisper in the proforma that the party No.2 worked as casual employee any time with the party No.1 and merely on the basis of certain working days shown year wise in the proforma it cannot be inferred about casual employment of the party No.2 with the party No.1. Furthermore signatory of the certificate i.e. JTO denied their signatures appearing on the documents alleging that the signatures is forged. In case on denial of signature on the xerox copies of proforma, the party No.2 was at liberty to sought production original documents i.e. original proforma from the party No.1 if the originals were submitted to party No. 1 but no such production was sought by the party No.2 for the reasons best known to him. Not only this but there is no mention on the proforma that to whom it was submitted by the party No. 2. Similarly the material coloumns of the proforma appears to be blank and Exh. U-8 does not bears the various stamps and signatures like Exh. U-9, therefore I do not think that these documents are any way helpful for the party No.2 to demonstrate that he was working as casual labour with party No. 1.

From the above discussed oral as well as documentary evidence available on record, I reiterate that the party No.2 was never worked as casual or regular employee with the party No. 1. He was not on the muster roll of the party No. 1 nor paid the wages on pay rolls like daily wages or casual employee by JTO Kedgaon. The party No.2 never worked under the supervision & control of JTO Kedgaon of the party No. 1. Moreover the work which was performed by the party No.2 was given to the contractor. The contractor used to make the payment to the employees working under him therefore it is very difficult to accept that the party No. 2 was employee of the party No.1. At the most the party No.2 appears to be the employee of the contractor and not the party No.1, hence I will answer these issues accordingly.

12. Issue No. 3 : I have observed earlier that the party No. 2 was not the employee of the party No.1 it means there is no relationship of employer & employee between the party No. 1 and Party No. 2 and in absence of that there is no question of continuous service as well as the compliance of the provisions of law while terminating the services of the employee therefore this issued does not survive, hence I answer this issue accordingly.

13. Issue No. 4 : I have observed earlier that the party No. 2 is not the employee of the party No. 1 and in absence of relationship of employer & employee between the party No. 1 and party No. 2, the party No. 2 is not entitled for any protection under law and party No. 2 is not entitled for any relief as prayed.

It is pertinent to note here that, in the statement of claim the party No. 2 has specifically stated that even after termination w.e.f. 31-12-99 he was taken in service and since then he was working with party No. 1 under JTO Kedgaon till 23-8-03. The party No. 2 further stated that there is sufficient full time work under SDE Daund at Kedgaon and other places and at other stations with the party No. 1 and he could be absorbed in regular vacant post, therefore prayed for direction to the party No. 1 to absorb him in regular vacancy in group-D from 1-1-2000 with the consequential benefits. In fact I have observed earlier that party No. 2 was not an employee of the party No. 1, therefore not entitled for any relief as prayed, nor there is question of any direction to the party No. 1 to absorb the party No. 2 in regular employment of the party No. 1.

It is worthwhile to mention here that by this reference the dispute regarding the termination of party No. 2 w.e.f. 1-1-2000 has been referred to this court for adjudication and except that no other issue has been referred to this court for adjudication, so the claim made by the party No. 2 regarding absorption in regular employment of the party No. 1 is certainly not within the ambit of the Reference referred for adjudication, therefore this court has no jurisdiction to adjudicate the same and grant relief accordingly. In brief the party No. 2 is not entitled for relief as prayed, hence I answer this issue in the negative.

In the result I proceed to pass the following Award.

AWARD

1. The Reference is answered in the negative.
2. Party No. 2 is not entitled for any relief as prayed.
3. Parties to bear their own costs.
4. Copies be sent to the appropriate authorities.

SHRIKANT K. DESHPANDE, Industrial Tribunal
Pune :
Date : 19-7-2008

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम को एक सीएल केबल प्रोजेक्ट के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर, के पंचाट (संदर्भ संख्या सी जी आईटीएल सी/ आर/209/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-08 को प्राप्त हुआ था।

[स. एस-40011/10/90-आई आर (डी यू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st August, 2008

Government hereby publishes the award (Ref. No. CGIT/LC/R/209/90) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Telecom Coaxial Cable Project, and their workman, which was received by the Central Government on 21-08-2008.

[No. L-40011/10/90-IR (DU)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR- COURT, JABALPUR

No. CGIT/LC/R/209/90

Presiding Officer : Shri C.M. Singh

The Branch Secretary,
Akhil Bhartiya Tar Yuktik Karmachari Sangh,
Line Staff and Group-D,
Mandal Abhiyanta Telegraph,
Branch : Jabalpur (MP)

—Workman/Union

Versus

The Divisional Engineer,
Telecom Coaxial Cable Project,
M.I.G. -2, Govind Bhawan,
South Civil Lines,
Jabalpur

— Management

AWARD

Passed on this 6th day of August, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-40011/10/90-IR(DU) dated 27-10-90 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the Div. Engineer, Telecom Coaxial Cable Project, Jabalpur in retrenching S/Shri Gopichand Chakole and 16 others casual workers w.e.f. 1-5-88 is justified? If not, to what relief the workers concerned are entitled to?”

2. In this reference, notices were issued to the parties by Registered AD post which were received back with the endorsement of the postal department that the parties do not reside on the given address. Again several times, notices were issued to the parties under Certificate of Posting. Those notices have been received back without service perhaps from the above reason as endorsed above by the Postal Department. Under the circumstances, this Tribunal is not left with any option but to close the reference for no dispute award.

3. It appears from the above that none of the parties is interested in the dispute and perhaps no dispute is left between them. Therefore, it is just and proper to pass no dispute award. No dispute award is passed in this case without any orders as to costs.

4. Let the copies of teh award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2591.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में आंदोलिक अधिकरण/अम्ब न्यायालय, पुणे के पंचाट (संदर्भ संचार...) को प्रकाशित करती है, जो केंद्रीय सरकार को 21-8-08 को प्राप्त हुआ था।

[सं. एल-40012/25/2004-आई आर (डी यू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st August, 2008

S.O. 2591.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ...) of the Industrial Tribunal-cum-Labour Court, Pune, as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited, and their workman, which was received by the Central Government on 21-08-2008.

[No. L-40012/25/2004-IR (DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI SHRIKANT K. DESHPANDE,
INDUSTRIAL TRIBUNAL**

MAHARASHTRA AT PUNE

Reference (IT) No. 63 of 2004

The Principal General Manager,First Party
BSNL, Bajirao Road.
Pune-411 002.

And

Shri Nitesh D. Shelar,Second Party
Post Kangaon, Patas Station.
Tal-Daund, Pune.

In the matter of reinstatement
with continuity of service.

CORAM : Shri Shrikant K. Deshpande, Member.

Appearances : Shri H. Y. Deo, Advocate for first party.
Shri A. Y. Shikarkhane, Advocate for
second party.

AWARD

Delivered on 19-07-2008

This is a Reference made by the Central Government Ministry of Labour, vide its order dtd. 11-10-04 in exercise of powers conferred by Clause-(d) of Sub-Sec.(1) & Sub-Sec.(2A) of Section-10 of the Industrial Disputes Act, 1947

and referred the dispute in relation to the Management of BSNL and Their Workman, in respect of matter specified in the schedule that, "Whether the workman Shri Nitesh D. Shelar was in employment as casual mazdoor in the Deptt. of Telecom/BSNL under Sub Division Daund continuously from 1997 to 31-12-99? If so, the action of the management in orally terminating disengaging him w.e.f. 1-1-2000 without any notice and compensation is legal and justified and to what relief the concerned workman is entitled to and from which date".

2. The brief facts of the case of Shri Nitesh D. Shelar (Party No. 2) are as under that, the party No. 2 was employed by the department of the Telecommunications Daund Sub Division at Telephone Exchange Warwand as part time/full time employee and was doing the work to join telephone cables, to rectify telephone and cable faults, to dig trenches, to climb telephone poles and work on overhead telephone lines, to clean the office and fill water under the supervision and control of Junior Telecom Officer (JTO) Kedgaon. He was being paid by JTO by obtaining signature on form ACG-17 and paid monthly wages of Rs. 1000/- and attendance was recorded in the muster roll. However on 1-1-2000 the JTO, Kedgaon discontinued his services without any notice or compensations. Thereafter the JTO Kedgaon continued to provide him work but wages were paid in cash without obtaining signature.

The party No. 2 added that All India SC/ST Union persuaded his case for permanency, accordingly the details regarding the employment of the party No. 2 alongwith similar situated workmen were called for considering their case for regularization, accordingly the details were sent after 3-1-03, however prior to that the dispute has been raised. The party No. 2 further added that in the meantime he was working under the party No. 1 till 23-8-2003 and paid wages in cash however thereafter they stopped giving work. Lastly the party No. 2 urged that there is sufficient full time work with party No. 1 and he could be absorbed on the regular vacant post, thus the party No. 2 prays that party No. 1 be directed to absorb the second party in the regular vacancy in Group-D from 1-1-2000.

3. The BSNL (Party No. 1) strongly resisted the statement of claim by reply and denied all the contentions of the party No. 2 in totality. The party No. 1 contended that the statement of claim is not filed within the prescribed period, there is no employer and employee relationship between the parties. The first party were not paid by DOT/ BSNL, therefore the party No. 2 was not the employee of party No. 1.

The party No. 1 further contended that the party No. 2 may be working under the contractor who were allotted the work by tender and he was working under the Contract Act, hence the contractors are under the obligation to maintain the record. The party No. 2 was never directly in service or under supervision of the party No. 1, hence the

claim about the service does not arise. The party No. 1 also contended that their establishment is governed, managed and controlled by rules and regulations of DOT, New Delhi. On formation of BSNL w.e.f. 1-10-2000 one time relaxation was given in conversion in full time casual labour. The application from PTCL and certificate from controlling authority were called to ascertain the genuine regarding information received from field, accordingly the committee was formed and member visited to the respective units and submitted the list. However the name of party No. 2 did not find place in the list and since he was not paid by DOT/BSNL therefore he was not considered for permanency. Lastly the party No. 1 urged that the claim of party No. 2 is illegal therefore he is not entitled for any relief and ultimately requested that the Reference be answered in the negative.

4. My learned predecessor has framed the issues at Ex. 02, I have re-arranged and properly worded those issues as below and my findings and reasons to them are as below :

ISSUES	FINDINGS
(1) Does the party No. 2 proves that he is employee of the party No. 1?	No :
(2) Does the party No. 1 prove that the party No. 2 was engaged by contractor?	Yes;
(3) Does the party No. 2 proves that the party No. 1 had illegally terminated the services of party No. 2 without complying the provisions of S.25F of the ID Act?	Does not survive;
(4) Whether the party No. 2 is entitled to get reinstatement with continuity of service?	No :
(5) What Award?	As per order below.

REASONS

5. ISSUE NO. 1 and 2 : Both these issues are interconnected. The subsequent issue i.e. (issue No. 2) depends on the earlier issue i.e. (issue No. 1), therefore those are answered together.

After carefully scanning the oral evidence of the parties available on record it seems that, the party No. 2 deposed before the court that he was working as a office-boy with the party No. 1 since 1997. He was appointed by Mr. Tiwari, JTO and he was getting Rs. 1000 pm and JTO used to obtain his signatures on ACG-17. He further deposed that he was cleaning the office, fetching water, and besides the work of office-boy he was also doing the work of defecting faults by climbing on the pole and he was

attending the defect fault as per the direction of Mr. Tiwari.

Though the party No. 2 has specifically pleaded in the statement of claim that, his attendance was being recorded in the muster roll, however the party No. 2 never deposed about the same before the court. Moreover the party No. 2 fairly admitted that his name was not appearing on the muster roll maintained by the Telephone Department as well as party No. 1. In view of this and particularly in the light of admission given by the party No. 2 it can be safely said that the party No. 2 was not on the muster roll and he was not paid on pay rolls.

6. It has come on record through the oral evidence adduced on behalf of the party No. 1 that there was ban to the recruitment or employment of casual labours for any type of work. Since 1990 the party No. 1 started giving the work of excavating trenches, laying and joining underground telephone cable, erection of DP and pillars in the rural areas to the contractors. It has also come on record that the party No. 2 never worked during 16-5-97 to 30-5-02 and never worked with JTO as a regular employee or as a casual labour or casual employee under JTO Kedgaon. The party No. 1 never made payment on wages to the party No. 2, nor the signatures were obtained on ACG-17 or on any other documents. The party No. 2 was never an employee of the department of the Telecommunication and never worked under the supervision and control of JTO Kedgaon, his name was not on the muster roll and nor paid any time by the JTO. The witness was fully cross-examined by the party No. 2, however they could not bring any substantial material on record in rebuttal.

From the above discussed oral evidence available on record it can be safely said that the party No. 2 was not on the muster roll nor on the pay roll of JTO Kedgaon, the work which was alleged to have been performed by the party No. 2 appears to have been given to the contractor and the casual labours were not getting their wages on ACG-17. Under such circumstances it is very difficult to accept that the party No. 2 was working as a casual labour with party No. 1.

7. After considering the oral evidence available on record let us consider the documentary evidence relied by the party No. 2 to substantiate their claim before the court. It reveals that during the proceedings the party No. 2 sought production of ACG-17 regarding payment of wages made by JTO Kedgaon alongwith monthly work orders, however the party No. 1 denied the maintenance of such record therefore my learned Predecessor observed that the party No. 2 may produce the secondary evidence to that effect and accordingly rejected the application, however no such documents are placed on record.

Moreover it reveals that the party No. 2 relied on various documents which are placed before the court alongwith list Exh. U-7. On careful perusal of those documents available on record it seems that, the party

No. 2 relied on the diaries maintained by him. There appears certain entries regarding the work performed by the party No. 2, but there is absolutely nothing on record to show that those work was directed by the party No. 1 and the party No. 2 has maintained such diaries as per the instructions of the party No. 1. Similarly there are certain entries about the work, which was performed by the party No. 2 in the month of September 2000, however the services of the party No. 2 appears to have been terminated after 31-12-99. Under such circumstances I do not think that certain entries in the diary maintained by the party No. 2 are any way helpful to the party No. 2 to establish before the court that he was working as casual labour with the party No. 1.

8. Furthermore is spite of direction to produce the secondary evidence regarding the ACG-17 i.e. in respect of payment made to the party No. 2 no attempts were made on behalf of party No. 2 to bring such material before the court. In fact though the party No. 2 stated on oath that his attendance was recorded on muster attendance rolls however there is no explanation as to why the production of those muster rolls was not sought by the party No. 2 from the party No. 1 and in absence of that by no stretch of imagination it can be said that party No. 2 was working as casual employee on muster roll of the party No. 1 and he was being paid wages on pay rolls.

Much reliance has been placed by the party No. 2 on xerox copies of documents Exh. U-7 which is the proforma prescribed for part time casual labour and bears the signature of party No. 2. However there is no whisper in the proforma that the party No. 2 worked as casual employee any time with the party No. 1 thus merely on the basis of certain working days shown year wise in the proforma it will be unsafe to infer about the casual employment of the party No. 2 with the party No. 1. Furthermore though the witness of the party No. 1 admitted his signature on the proforma however specifically denied that the party No. 2 worked under his control and supervision. Not only this but there is no mention in the proforma that to whom it was submitted by the party No. 2. Similarly the material columns of the proforma appears to be blank, therefore, I do not think that this document is any way helpful to the party No. 2 to show that he was working as a casual labour with the party No. 1.

From the above discussed oral as well as documentary evidence available on record, I reiterate that the party No. 2 was never worked as casual or regular employee with the party No. 1. He was not on the muster roll of the party No. 1 nor paid the wages on pay rolls like daily wages or casual employee by JTO Kedgaon. The party No. 2 never worked under the supervision and control of JTO Kedgaon of the party No. 1. Moreover the work which was performed by the party No. 2 was given to the contractor. The contractor used to make the payment to the employees working under him therefore it is very difficult to accept

that the party No. 2 was employee of the party No. 1. At the most the party No. 2 appears to be the employee of the contractor and not the party No. 1, hence I answer these issues accordingly.

9. **Issue No. 3 :** I have observed earlier that the party No. 2 was not the employee of the party No. 1. It means there is no relationship of employer and employee between the party No. 1 and Party No. 2 and in absence of that there is no question of continuous service as well as the compliance of the provisions of law while terminating the services of the employee therefore this issued does not survive, hence I answer this issue accordingly.

10. **Issue No. 4 :** I have observed earlier that the party No. 2 is not the employee of the party No. 1 and in absence of relationship of employer & employee between the party No. 1 and party No. 2, the party No. 2 is not entitled for any protection under law and party No. 2 is not entitled for any relief as prayed.

It is pertinent to note here that, in the statement of claim the party No. 2 has specifically stated that even after termination w.e.f. 31-12-99 he was taken in service and since then he was working with party No. 1 under JTO Kedgaon till 23-8-03. The party No. 2 further stated that there is sufficient full time work under SDE Daund at Kedgaon and other places and at other stations with the party No. 1 and he could be absorbed in regular vacant post, therefore prayed for direction to the party No. 1 to absorb him in regular vacancy in group-D from 1-1-2000 with the consequential benefits. In fact I have observed earlier that party No. 2 was not an employee of the party No. 1, therefore not entitled for any relief as prayed, nor there is question of any direction to the party No. 1 to absorb the party No. 2 in regular employment of the party No. 1.

It is worthwhile to mention here that by this reference the dispute regarding the termination of party No. 2 w.e.f. 1-1-2000 has been referred to this court for adjudication and except that no other issue has been referred to this court for adjudication, so the claim made by the party No. 2 regarding absorption in regular employment of the party No. 1 is certainly not within the ambit of the Reference referred for adjudication, therefore this court has no jurisdiction to adjudicate the same and grant relief accordingly. In brief the party No. 2 is not entitled for relief as prayed, hence I answer this issue in the negative.

In the result I proceed to pass the following Award.

AWARD:-

1. The Reference is answered in the negative.
2. Party No. 2 is not entitled for any relief as prayed.
3. Parties to bears their own costs.
4. Copies be sent to the appropriate authorities.

Pune :

Date: 19-7-2008

SHRIKANT K. DESHPANDE, Industrial Tribunal, PUNE

नई दिल्ली, 21 अगस्त, 2008

का. आ. 2592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधसंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण/ब्राम न्यायलय पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-2008 प्राप्त हुआ था :

[सं. एल-40012/26/2004-आई.आर.(डी.यू.)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st August, 2008

S.O. 2592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-cum-Labour Court, Pune as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited, and their workman, which was received by the Central Government on 21-08-2008.

[No. L-40012/26/2004-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI SHRIKANT K. DESHPANDE, INDUSTRIAL TRIBUNAL MAHARASHTRA AT PUNE

REFERENCE (IT) NO. 62 OF 2004

The Principal General Manager,
BSNL, Bajirao Road,
Pune-411 002. First Party

And

Shri Mahadeo Baban Thorat
Post-Khurbav, Tal-Daund,
Pune. Second Party

In the matter of reinstatement with continuity of service.

Coram : Shri Shrikant K. Deshpande, Member.

Appearances : Shri H. Y. Deo, Advocate for first party.
Shri A.Y. Shikarkhane, Advocate for
second party.

AWARD

Delivered on 19-07-2008

This is a Reference made by the Central Government Ministry of Labour, vide its order dtd. 11-10-04 in exercise of powers conferred by Clause (d) of Sub-sec. (1) & Sub-sec. 2(A) of Section-10 of the Industrial Disputes Act,

1947 and referred the dispute in relation to the Management of BSNL and Their Workman, in respect of matter specified in the schedule that, "Whether the workman Shri Mahadeo Baban Thorat was in employment as casual mazdoor in the Deptt. of Telecom/BSNL, under Sub Division Daund continuously from 1998 to 31-12-99? If so, the action of the management in orally terminating/ disengaging him, w.e.f. 1-1-2000 without any notice and compensation is legal and justified and to what relief the concerned workman is entitled to and from which date".

2. The brief facts of the case of Shri Mahadeo Baban Thorat (Party No. 2) are as under that, the party no. 2 was employed by the department of the Telecommunications Daund Sub Division at Telephone Exchange Khurbav as part time/full time employee and was doing the work to join telephone cables, to rectify telephone & cable faults, to dig trenches, to climb telephone poles and work on overhead telephone lines, to clean the office and fill water under the supervision and control of Junior Telecom Officer (JTO) Kedgaon. He was being paid by JTO by obtaining signature on form ACG-17 and paid monthly wages of Rs. 1000/- and attendance was recorded in the muster roll. However on 1-1-2000 the JTO, Kedgaon discontinued his services without any notice or compensation. Thereafter the JTO Kedgaon continued to provide him work but wages were paid in cash without obtaining signature.

The party no. 2 added that All India SC/ST Union persuaded his case for permanency, accordingly the details regarding the employment of the party no. 2 alongwith similar situated workmen were called for considering their case for regularization, accordingly the details were sent after 3-1-03, however prior to that the dispute has been raised. The party no. 2 further added that in the meantime he was working under the party no. 1 till 30-11-03 and paid wages in cash, however thereafter they stopped giving work. Lastly the party no. 2 urged that there is sufficient full time work with party no. 1 and he could be absorbed on the regular vacant post, still the party no. 2 prays that party no. 1 be directed to absorb the second party in the regular vacancy in Group-D from 1-1-2000.

3. The BSNL (Party no. 1) strongly resisted the statement of claim by reply and denied all the contentions of the party no. 2 in totality. The party no. 1 contended that the statement of claim is not filed within the prescribed period, there is no employer & employee relationship between the parties. The first party were not paid by DOT/ BSNL therefore the party no. 2 was not the employee of party no. 1.

The party no. 1 further contended that, the party no. 2 may be working under the contractor who were allotted the work by tender and he was working under the Contract Act, hence the contractors are under the obligation to maintain the record. The party no. 2 was never directly in service or under supervision of the party no. 1, hence the

claim about the service does not arise. The party no. 1 also contended that their establishment is governed, managed and controlled by rules and regulations of DOT, New Delhi. On formation of BSNL, w.e.f. 1-10-2000 one time relaxation was given in conversion in full time casual labour. The application from PTCL and certificate from controlling authority were called to ascertain the genuine regarding information received from field, accordingly the committee was formed and member visited to the respective units and submitted the list. However the name of party no. 2 did not find place in the list and since he was not paid by DOT/BSNL, therefore he was not considered for permanency. Lastly the party no. 1 urged that the claim of party no. 2 is illegal therefore he is not entitled for any relief and ultimately requested that the Reference be answered in the negative.

4. My learned predecessor has framed the issues at Exh. 02, I have re-arranged and properly worded those issues as below and my findings and reasons to them are as below—

ISSUES	FINDINGS
1. Does the party no. 2 proves that he is employee of the party no. 1?	No;
2. Does the party no. 1 prove that the party no. 2 was engaged by contractor?	Yes;
3. Does the party no. 2 proves that the party no. 1 had illegally terminated the services of party no. 2 without complying the provisions of S. 25 F of the ID Act?	Does not survive;
4. Whether the party no. 2 is entitled to get reinstatement with continuity of service?	No;
5. What Award?	As per order below.

REASONS

5. ISSUE No. 1 and 2 : Both these issues are inter-connected. The subsequent issue i.e. (Issue No. 2) depends on the earlier issue i.e. (Issue No. 1), therefore those are answered together.

After carefully scanning the oral evidence of the parties available on record it seems that, the party no. 2 deposed that he was working since 1998 at Khuthav Telephone Exchange with party no. 1 and he used to perform various work such as cleaning office, fetching water, cleaning the batteries, digging the pits for cable work, to join the cables and over head wires as per the instruction of Mr. Tiwari, JTO and after his transfer Mr. Ovhal, JTO was giving instructions regarding the work. He was getting wages in signing ACG-17, and after taken over by BSNL, he was getting salary by cash and not on ACG-17.

Though the party no. 2 has specifically pleaded in the statement of claim that his attendance was being recorded in the muster roll, however the party no. 2 never deposed about the same before the court. Moreover the party no. 2 admitted that Mr. Ovhal, JTO never obtained his signatures on ACG-17.

6. It has come on record through oral evidence adduced on behalf of the party no. 1 that, there was ban to the recruitment on employment of casual labours for any type of work. Since 1990 the party no. 1 started giving the work of excavating trenches, laying and jointing underground telephone cable, erection of DO and pillars in the rural areas to the contractors. He further deposed that the party no. 2 never worked during 16-3-97 to 30-5-02 and never worked with him as regular employee or as a casual labour and or casual employee under JTO Kedgaon, the payment of wages were never made to the party no. 2 by party no. 1 nor signatures were obtained on ACG-17 nor on any other documents. The party no. 2 was never employee of the Department of Telecommunication and never worked under the supervision and control of JTO, Kedgaon. His name was not on muster roll nor the party no. 2 was paid any time by the JTO. The witnesses were fully cross-examined by the party no. 2, however they could not bring any substantial material on record.

From the above discussed evidence available on record it can be safely infer that the party no. 2 was not on muster roll nor on pay roll of JTO Kedgaon. The work performed by the party no. 2 appears to have been given to the contractor and casual labours were not getting their wages on ACG-17. Under such circumstances it is very difficult to accept that party no. 2 was working as a casual labour with party no. 1.

7. After considering the oral evidence available on record let us consider the documentary evidence relied by the party no. 2 to substantiate their claim before the court. It reveals that during the proceedings the party no. 2 sought production of ACG-17 regarding payment of wages made by JTO Kedgaon alongwith monthly work orders, however the party no. 1 denied the maintenance of such record therefore my learned Predecessor observed that the party no. 2 may produce the secondary evidence to that effect and accordingly rejected the application, however no such documents are placed on record.

Moreover it reveals that the party no. 2 relied on some documents which are placed before the court alongwith list Exh. U-4. On careful perusal of those documents it seems that, by document Exh. U-8 certain direction were given by Mr. Ovhal to Mr. Thorat about the work, however those directions were given on 4-10-03 i.e. after the period of termination of the party no. 2, therefore not useful to decide about the employment of the party no. 2 with the party no. 1 during 1998 to 31-12-99 and merely on that basis it is very difficult to accept that the party no. 2 was working with party no. 1 as casual employee.

8. Furthermore in spite of direction to produce the secondary evidence regarding the ACG-17 i.e. in respect of payment made to the party no. 2 no attempts were made on behalf of party no. 2 to bring such material before the court. In fact though the party no. 2 stated on oath that his attendance was recorded on muster attendance rolls however there is no explanation as to why the production of those muster rolls was not sought by the party no. 2 from the party no. 1 and in absence of that by no stretch of imagination it can be said that party no. 2 was working as casual employee on muster roll of the party no. 1 and he was being paid wages on pay rolls.

Much reliance has been placed by the party no. 2 on xerox copies of documents Exh. U-9. On perusal of these documents it seems that this is a proforma prescribed for part time casual labour and bears the signature of party no. 2. However there is no whisper in the proforma that the party no. 2 worked as casual employee any time with the party no. 1 thus merely on the basis of certain working days of 1998 to 1999 it cannot be inferred about casual employment of the party no. 2 with the party no. 1. Furthermore though the witness of the party no. 1 admitted his signatures appeared on the proforma, however denied that the party no. 2 was working under his control. Not only this but there is no mention in the proforma that to whom it was submitted by the party no. 2. Similarly the material columns of the proforma appears to be blank, therefore, I do not think that these documents are any way helpful to the party no. 2 to show that he was working as casual labour with party no. 1.

9. From the above discussed oral as well as documentary evidence available on record, I reiterate that the party no. 2 was never worked as casual or regular employee with the party no. 1. He was not on the muster roll of party no. 1 nor paid the wages on pay rolls like daily wages employee or casual employee by JTO Kedgaon, party no. 2 was never under supervision and control of JTO Kedgaon of the party no. 1. Moreover the work which was performed by the party no. 2 was given to the contractor, and contractor used to make the payment to the employees working under him, therefore it is very difficult to accept that the party no. 2 was employee of the party no. 1, at the most the party no. 2 appears to be an employee of the contractor and not of party no. 1, hence these issues are answered accordingly.

10. ISSUE No. 3 : I have observed earlier that the party no. 2 was not the employee of the party no. 1 it means there is no relationship of employer and employee between the party no. 1 and party no. 2 and in absence of that there is no question of continuous service as well as the compliance of the provisions of law while terminating the services of the employee therefore this issue does not survive, hence I answer this issue accordingly.

11. ISSUE No. 4 : I have observed earlier that the party no. 2 is not the employee of the party no. 1 and in absence of relationship of employer and employee between the party no. 1 and party no. 2, the party no. 2 is not entitled for any protection under law and party no. 2 is not entitled for any relief as prayed.

It is pertinent to note here that, in the statement of claim the party no. 2 has specifically stated that even after termination w.e.f. 31-12-99 he was taken in service and since then he was working with party no. 1 under JTO Kedgaon till 30-11-03. The party no. 2 further stated that there is sufficient full time work under SDE Daund at Kedgaon and other places and at other stations with the party no. 1 and he could be absorbed in regular vacant post, therefore prayed for direction to the party no. 1 to absorb him in regular vacancy in group-D from 1-1-2000 with the consequential benefits. In fact I have observed earlier that party no. 2 was not an employee of the party no. 1, therefore not entitled for any relief as prayed, nor there is question of any direction to the party no. 1 to absorb the party no. 2 in regular employment of the party no. 1.

It is worthwhile to mention here that by this reference the dispute regarding the termination of party no. 2 w.e.f. 1-1-2000 has been referred to this court for adjudication and except that no other issue has been referred to this court for adjudication, so the claim made by the party no. 2 regarding absorption in regular employment of the party no. 1 is certainly not within the ambit of the Reference referred for adjudication therefore this court has no jurisdiction to adjudicate the same and grant relief accordingly. In brief the party no. 2 is not entitled for relief as prayed, hence I answer this issue in the negative.

In the result I proceed to pass the following Award.

AWARD

1. The Reference is answered in the negative.
2. Party no. 2 is not entitled for any relief as prayed.
3. Parties to bears their own costs.
4. Copies be sent to the appropriate authorities.

Pune :

Date: 19.7.2008

SHRIKANT K. DESHPANDE, Industrial Tribunal

नई दिल्ली, 5 सितम्बर, 2008

का. आ. 2593 —केन्द्रीय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा 1 द्वारा प्रदत्त अनियतों का प्रयोग करते हुए, एतद्वारा, अगले आदेशों तक निम्नलिखित अधिकारियों को मुख्य निरीक्षक खान के अधीनस्थ खान निरीक्षक के रूप में नियुक्त करती है :—

1. श्री मूर्णन प्रसाद सिंह
2. श्री देव कृष्णराम
3. श्री रवाम सुन्दर प्रसाद

4. श्री राजेब पाल
5. श्री बिपुल बिहारी सतीशराम
6. श्री कमल कुमार शर्मा
7. श्री रमेशबत्तार मोणा
8. श्री मनोरंजन डोले

[फा. सं. एस-29025/1/2008-आईएसएच-11]
सुभाष चन्द, अवर सचिव

New Delhi, the 5th September, 2008

S.O. 2593.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints the following officers as Inspector of Mines sub-ordinate to the Chief Inspector of Mines, until further order :—

1. Shri Bhushan Prasad Singh
2. Deo Kumar
3. Shyam Sunder Prasad
4. Rajib Pal
5. Bipul Bihari Satiar
6. Kamal Kumar Sharma
7. Ramawater Meena
8. Manoranjan Doley

[F.No. S-29025/1/2008-ISH.11]

SUBHASH CHAND, Under Secy.

नई दिल्ली, 8 सितम्बर, 2008

फा. आ. 2594.—केंद्रीय सरकार, शिक्षा अधिनियम, 1961 (1961 का 52) की धारा 2 के खंड (१) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और केंद्रीय शिक्षा परिषद् से परामर्श करने के पश्चात् उक्त अधिनियमों के प्रयोजनों के लिए प्रौद्योगिकों के क्षेत्र में विस्तृत विषयों को अधिकृत व्यवसायों के रूप में विनियिक करती है, अर्थात् :—

"स्नातक और तकनीकी प्रशिक्षा

1. टेक्सटाइल डिजाइनिंग
2. जैव-प्रौद्योगिकी
3. इलैक्ट्रॉनिकी और जैव-चिकित्सीय इंजीनियरी
4. इलैक्ट्रॉनिकी और संचार इंजीनियरी
5. बायोमेडिकल इंस्ट्रुमेंटेशन इंजीनियरी
6. फैशन प्रौद्योगिकी
7. गरमेंट और फैशन प्रौद्योगिकी
8. आधुनिक कार्यालय व्यवहार प्रबंधन
9. हर्बल प्रौद्योगिकी
10. यात्रा और पर्यटन प्रबंधन

तकनीकी (वृत्तिक) प्रशिक्षा

1. आटोमोबाईल इंजीनियरी प्रौद्योगिकी
2. आटोमोबाईल मैकेनिक
3. सूचना प्रौद्योगिकी
4. रेडियो और टेलीविजन इंजीनियरी
5. इलैक्ट्रॉनिकी प्रौद्योगिकी"

[फा. सं. डीजीईटी-23(13)(3113)/2008-एपी]

तरसंग लाल, उप सचिव

New Delhi, the 8th September, 2008

S.O. 2594.—In exercise of the powers conferred by clause (e) of Section 2 of the Apprentices Act, 1961 (52 of 1961), and after consultation with the Central Apprenticeship Council, the Central Government hereby specifies the following subject fields in technology as designated trades for the purposes of the said Act, namely :—

"Graduate and Technician Apprentices

1. Textile Designing
2. Bio-Technology
3. Electronics and Bio-Medical Engineering
4. Electronics and Communication Engineering
5. Bio-Medical Instrumentation Engineering
6. Fashion Technology
7. Garment and Fashion Technology
8. Modern Office Practice Management
9. Herbal Technology
10. Travel and Tourism Management

Technician (Vocational) Apprentices

1. Automobile Engineering Technology
2. Automobile Mechanic
3. Information Technology
4. Radio and Television Engineering
5. Electronics Technology".

[F.No. DOET-23(13)(3113)/2008-AP]

TARSEMIALAL, Dy. Secy.

नई दिल्ली, 22 अगस्त, 2008

फा. आ. 2595.—जर्वरिक केन्द्र सरकार का विचार है कि कोरल, कर्नाटक और तमिलनाडु राज्यों में व्याग्न कर्मचारी की श्रृंगी में कर्मकारों और व्याग्न नियोक्ताओं के बीच आधारिक विवाद है:

और जबकि केन्द्र सरकार का विचार है कि उक्त विवाद इस प्रकृति का है कि इससे संबद्ध या प्रभावित बागान कर्मचारियों की श्रेणी में कर्मकार और बागानों के नियोक्ता एक से अधिक गम्य से संबद्ध हैं और इसका न्यायनिर्णयन राष्ट्रीय न्यायाधिकरण द्वारा किया जाना चाहिए;

और जबकि केन्द्र सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्रम मंत्रालय की दिनांक 12 जुलाई, 2000 की अधिसूचना संख्या एल-51014/1/2000-आई आर (पीजी) द्वारा राष्ट्रीय न्यायाधिकरण का गठन किया, जिसका मुख्यालय कलकत्ता में रखा गया, और जस्टिस श्री डी.पी. शर्मा को इसका पीठासीन अधिकारी नियुक्त किया और उक्त अधिनियम की धारा 10 की तरह धारा (1क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को न्यायनिर्णयन हेतु उक्त राष्ट्रीय न्यायाधिकरण को संदर्भित किया।

और जबकि जस्टिस श्री डी.पी. शर्मा ने उक्त राष्ट्रीय न्यायाधिकरण का कार्यभार 2003 में छोड़ दिया।

अतः अब राष्ट्रीय न्यायाधिकरण का गठन किया जाता है जिसका मुख्यालय कोलकाता होगा और जस्टिस श्री सी.पी. मिश्रा इसके पीठासीन अधिकारी होंगे और उक्त विवाद को न्यायनिर्णयाधी उक्त राष्ट्रीय न्यायाधिकरण को इस निवेश के साथ संदर्भित किया जाता है कि जस्टिस श्री सी.पी. मिश्रा इस मामले में जस्टिस श्री डी.पी. शर्मा द्वारा कार्यमार छोड़ने के चरण से आगे की कार्रवाई करेंगे और इसका विधि के अनुरूप निपटान करेंगे।

[सं. एल-51014/1/2000-आई आर (पीजी)]

कल्याणी मिश्रा, उप निदेशक

New Delhi, the 22nd August, 2008

S.O. 2595.—Whereas the Central Government was of the opinion that an industrial dispute existed between the workmen in the category of plantation staff and the employers of plantations in the states of Kerala, Karnataka and Tamil Nadu,

And whereas the Central Government was of the opinion that the above dispute was of the nature that workmen in that category of plantation staff and employers of plantations belonged to more than one State are interested in, or affected, by such a dispute and should be adjudicated by a National Tribunal;

And whereas the Central Government in exercise of the powers conferred by Section 7(B) of the Industrial Disputes Act, 1947 (14 of 1947) constituted a National Tribunal vide Ministry of Labour's Notification No. L-51014/1/2000-JR(PG) dated 12th July, 2000 with headquarters at Calcutta and appointed Justice Shri B.P. Sharma as its Presiding Officer and in exercise of the powers conferred by sub-section (1A) of Section 10 of the

said Act, referred the said industrial dispute to the said National Tribunal for adjudication.

And whereas Justice Shri B.P. Sharma relinquished charge of the above said National Tribunal in 2003.

Now, therefore, a National Tribunal is constituted with headquarters at Kolkata with Justice Shri C.P. Mishra as its Presiding Officer and the above said dispute is referred to the said National Tribunal for adjudication with the direction that Justice C.P. Mishra shall proceed in the matter from the stage at which it was left by Justice Shri B. P. Sharma and dispose of the same according to law.

[No. L-51014/1/2000-JR(PG)]

KALYANI MISHRA, Dy. Director

नई दिल्ली, 2 सितम्बर, 2008

का. आ. 2596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ सं. 10/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-2008 प्राप्त हुआ था।

[सं. एल-12011/28/1997-आई.आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 2nd September, 2008

S.O. 2596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award Ref. No. 10/98 of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial dispute between the management of Union Bank of India and their workmen, received by the Central Government on 19-08-2008.

[No. L-12011/28/1997-IR (B-II)]
RAJINDER KUMAR, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

फैस नं. सी.आई.टी. 10/98

फैसला: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल-12011/28/97-आई.आर. (बी. II) दि. 21-4-1998

सर्वश्री कन्हैया लाल एवं हनुमान प्रसाद जरिये महासचिव, यूनियन बैंक एम्प्लॉइज यूनियन, 49, रथविहार, महाराजा फार्म, दुर्गापुरा, जयपुर।

—प्राप्ती

बनाम

सहायक महाप्रबन्धक, यूनियन बैंक ऑफ इंडिया, एस.डी.एम.,
अस्पताल परिसर, बापू नगर, जयपुर ।

—अप्राधीनगण

उपस्थित

पीडासीन अधिकारी: श्री गौतम प्रकाश शर्मा, आर.एच.जे.एस.

प्राधीन की ओर से : श्री आर. सी. जैन

अप्राधीन की ओर से : श्री रूफिन काला

दिनांक अवार्ड : 25-7-2008

अवार्ड

1. केंद्र सरकार, श्रम मंत्रालय, नई दिल्ली ने उपरोक्त अधिसूचना के जरिये इस आशय का विवाद इस न्यायाधिकरण के अधिनियम हेतु निर्देशित किया है कि

"Whether the action of the management of Union Bank of India, Jaipur in not regularising the services of S/Shri Kanhaiya Lal and Hanuman Prasad part time sweepers as peon in violation of Banks own the said workmen are entitled to and from which date?"

2. विवाद जो भेजा गया उसके संबंध में प्राधीन की ओर से स्टेटमेंट ऑफ क्लेम पेश हुआ कि श्रमिक श्री कन्हैया लाल को अंशकालीन सफाईकर्ता के पद पर अंचलीय कार्यालय नई दिल्ली के पत्र दिनांक 24-3-1990 के द्वारा 200 रुपये प्रतिमाह पर बैंक की चाप्रबंध जाला जिला भीलवाडा में नियुक्त हो गई जहाँ प्राधीन 2-7-1990 को कारण ग्रहण किया और 1-1-1991 से उसे बैंक सेवा में कन्फर्म कर दिया। प्राधीन निर्देशानुसार 1997 तक नियमित चपरासी की तरह दिना अवरोध कार्य करता रहा। बैंक द्वारा 3-1-1997 के अंशकालीन चपरासियों को व अन्य कर्मचारियों को पूर्णकालीन चपरासी व हमाल के पद पर नियुक्त होने हेतु परियोजना किया जिसमें प्राधीन ने भी आवेदन किया और उसे साक्षात्कार में हेतु भी अमंत्रित किया गया किन्तु दुर्बिना के कारण चपरासी के पद पर नियुक्त होने उसकी अनुशासा नहीं की गई जबकि उसके पिछले कार्यों व निष्ठा को देखते हुए उसका चयन चपरासी के पद पर किया जाना चाहिए था। इस प्रकार प्राधीन यूनियन का कथन है कि प्राधीन श्रमिक का पद परिवर्तन हेतु चयन नहीं किया जाना श्रम विरोधी नीति है, अतः निवेदन किया कि प्राधीन श्रमिक चपरासी पद पर नियमितकरण/पद परिवर्तन करवाने का अधिकारी है अतः उसे पद पर पूर्व सेवाओं की निरन्तरता में चपरासी के पद पर नियमित किया जावे।

3. अप्राधीन बैंक की ओर से जवाब पेश हुआ जिसमें बताया कि अंशकालीन सफाईकर्ता से चपरासी के पद पर पदोन्नति या परिवर्तन

की एक निश्चित प्रक्रिया है और उसके लिए प्राधीन श्रमिक का आवेदन देना और उसे साक्षात्कार में बुलाने का अर्थ नियुक्त हो जाना नहीं है, यह साक्षात्कार में उपस्थित होने हेतु सूचना मात्र है, नियुक्त होना या न होना चयन प्रक्रिया के परिणाम पर निर्भर करता है। अपने कार्य के अतिरिक्त प्राधीन श्रमिक ने जो चपरासी का कार्य किया है उसके लिए उसे भुगतान कर दिया गया था। अब वह किसी अनुतोष प्राप्त करने का अधिकारी नहीं है अतः ब्लेम खारिज होने वोग्य बताया।

4. इसो रैफरेंस में अच्युत प्रमिल हनुमान प्रसाद का माप्सा भी भेजा गया था किन्तु हनुमान प्रसाद को ओर से स्टेटमेंट ऑफ क्लेम पेश नहीं हुआ और न ही हनुमान प्रसाद को ओर से कोई साक्ष्य पेश हुई है।

5. प्रकरण में श्रमिक कन्हैया लाल को ओर से एवं अप्राधीन बैंक की ओर से साक्ष्य पेश हुई और प्रकरण बहस अंतिम में खाली गया। इसी प्रकरण पर दिनांक 22-7-2008 एक समझौता श्रमिक व अप्राधीन बैंक के मध्य 18-7-2008 को हो जाने संबंधी पेश किया व समझौता हो जाने से समझौते को शात्रों के अनुसार ही अवार्ड पारित करने की प्रार्थना की।

6. समझौते के संबंध में संलग्न आवेदन जो कि स्वयं श्रमिक की ओर से पेश हुआ है, में स्पष्ट उल्लेख किया गया है कि उसके बैंक के मध्य समझौता हो गया है और प्रकरण को वह आगे चलाना नहीं चाह रहा है तथा समझौते के अनुरूप ही अवार्ड पारित करने की प्रार्थना की। यैने समझौते को देखा। समझौता प्रयत्न पर श्रमिक व विषयकी बैंक की ओर से विरुद्ध प्रयत्नक के हस्ताक्षर हैं। इन सभी तथ्यों को देखते हुए मैं इस प्रकरण में समझौते के अनुसार अवार्ड पारित किया जाना उचित समझता हूं। अतः राज्य सरकार द्वारा भेजे गये निर्देश का उत्तर निम्न प्रकार दिया जाता है :

"प्राधीन श्रमिक कन्हैया लाल एवं अप्राधीन बैंक के मध्य समझौता हो जाने से प्रकरण में उक्त समझौते की शात्रों के अनुसार अवार्ड पारित किया जाता है।

समझौता दिनांक 18-7-2008 जो 22-7-2008 को पेश हुआ अवार्ड का अंग रहेगा। प्राधीन हनुमान के संबंध में कोई क्लेम व साक्ष्य पेश नहीं होने के कारण प्राधीन हनुमान प्रसाद कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।"

5. अवार्ड आज दिनांक 25-7-2008 को खुले आयालय में लिखाया जाकर सुनाया गया जो केंद्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

गौतम प्रकाश शर्मा, पीडासीन अधिकारी